BRITISH RULE IN INDIA AND AFTER

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with chapter on
History of Pakistan

By

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PREFACE TO THE FIFTH EDITION

I am grateful to the public and my publishers for the sale of the Fourth Edition of the book in a short time. I have taken great pains in preparing the new edition for the press. The whole of the material has been re-examined and a lot of fresh matter has been added at different places. The book has been profusely illustrated. A large number of maps have also been added. Suggested Readings have been given at the end of each chapter in order to facilitate further study on the subject. The book has been brought up-to-date. I am sure that the new edition will be appreciated by the readers.

Suggestions for the improvement of the book will be gratefully welcomed.

VIDYA DHAR MAHAJAN.

III-M/10,
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THE ADVENT OF EUROPEANS IN INDIA

The Portuguese in India.

The coming of the Europeans to India was an event of very great importance in the history of our country as it ultimately led to revolutionary changes in her destiny in the future and the Portuguese were the first in this field.

It is a matter of common knowledge that Indian commodities were in great demand in European markets throughout the Middle Ages. These things used to reach Europe either completely by land or partly by land and partly by sea. However, difficulties began to arise on account of the rise to power of the Turks. As the land route was practically closed, there arose the necessity of finding a new route to India.

The Portuguese led the way in this matter. Prince Henry of Portugal (1393-1460), who is commonly known as the "Navigator", did a lot in this field. He set up a regular school for the training of seamen on scientific lines. He patronized all those who took up work of navigation. The result of the efforts of the Portuguese was that practically the whole of the coast-line of Africa came to be known to the Portuguese. They crossed the Equator in 1471 and reached the Congo river in 1481.

In 1487, Bartholomew Diaz was carried by storms past the Cape of Good Hope. He was patronized by King John II.

In 1497, Vasco da Gama started on his expedition under the patronage of King Emmanuel. To begin with, he covered the whole of the route which had been followed by Diaz and crossed the Cape of Good Hope. He reached Mozambique. He got the help of an Indian pilot and set sail for India in April 1498. After a voyage of a month, he reached Calicut. He was cordially received by King Zamorin who gave him certain privileges also.

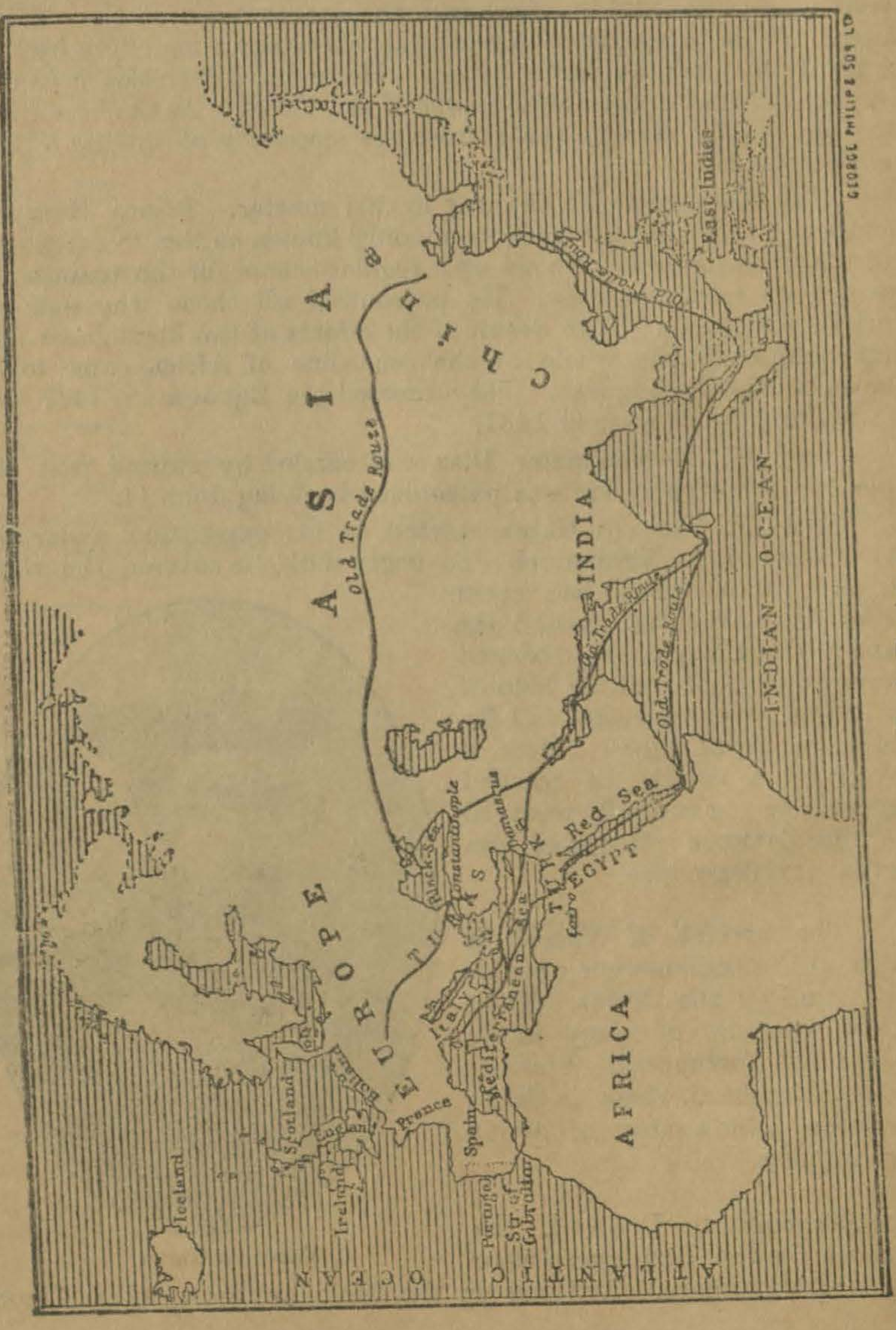


Vasco da Gama

The arrival of Vasco da Gama on the Indian scene was not liked at all by the Arabs. They started rumours of many kinds against the Portuguese. Finding the situation hard, Vasco da Gama left India after a stay of about three months.

According to Dodwell, "In four respects the Portuguese were singularly fortunate. Arriving on the Malabar Coast, they found

themselves in touch with a multitude of small princes divided by mutual jealousy, so that hostility in one was certain to be accompanied by friendship in another. Furthermore, the country round Cochin and Calicut did not at that time produce enough rice for the needs of the inhabitants, who were supplied by Muslim vessels with grain from the Coromandel Coast; the region was, therefore, peculiarly sensitive to a blockade by sea. Again, reaching India at the close of the fifteenth century, the Portuguese found no State which could make either great or sustained efforts to prevent their establishment. And lastly the difficulties which they had had to meet and



Trade Routes

overcome implied that for purposes of war their vessels would be stouter and more formidable than any ships they would meet in Indian waters. This last was of all the most important, for the position which the Portuguese would occupy in the East certainly depended upon naval power. Their nation was too small, in view of the conditions of land warfare, for them to dream of establishing a military empire. They were vowed to the destruction (if they could possibly contrive it) of Muslim States, and therefore could not contemplate taking up the position of unarmed and helpless traders. Supremacy at sea was the essential condition of success. And the physical circumstances which had fostered the early development of eastern seafaring had not promoted sustained progress. The regular and periodic winds which blow in the Indian seas had permitted men to sail easily and regularly at certain seasons of the year from Aden and Basra to Gujarat, from Bengal to Malacca, from Malacca to Malabar; but their very strength and regularity had forbidden all attempts to sail against them, while cyclone and typhoon were too awful in their might for primitive sailors to dream of meeting and outliving them. Eastern mariners and vessels were, therefore, trained and built for voyaging with reliable and favourable winds. Their vessels were frail compared with the ships built to resist Atlantic storms. The consequence was firstly that Portuguese shipping could hold the seas in weather which would send all possible enemies fleeing for the first windward port and secondly that the Portuguese could mount cannon, the recoil of which would have shaken Indian vessels to pieces at the first discharge." (*The Cambridge Shorter History of India*, pp. 379-80).

In 1501, Vasco da Gama came to India for the second time and founded a factory at Cannanore and returned to Portugal in 1503. In spite of the opposition from the Arabs, the Portuguese were able to establish their trading centres at Calicut, Cochin, and Cannanore and they treated the Arabs with cruelty and oppression. After Vasco da Gama left India, the Portuguese suffered. King Zamorin attacked the Portuguese in Cochin, but was defeated. This established the supremacy of the Portuguese.

De Almeida (1505-9). De Almeida was the first Viceroy of the Portuguese possessions in India. He was not in favour of multiplying settlements on land. He wanted his countrymen to concentrate on the development of their naval power. According to him, "should it be known for certain that as long as you may be powerful at sea, you will hold India as yours; and if you did not possess this power, little will avail you a fortress on shore." This policy has rightly been called the "*Blue water*" policy. Both Almeida and his son were defeated and killed in 1509 by the Egyptians.

Albuquerque (1509-15). He was the second Viceroy of the Portuguese in India. Mr. Stephens refers to four points on which his policy was based. In the first place, he desired to occupy certain important places for trading purposes, and to rule them directly. Secondly, he desired to colonize the selected districts by encouraging mixed marriages with the native inhabitants. In the third place, when Albuquerque could not conquer or colonise, he desired to build

fortresses. Fourthly, when this was impracticable, he desired to induce the native merchants to recognise the supremacy of the King of Portugal and to pay him tribute.

Albuquerque was a great conqueror. He conquered and annexed Goa in 1510. This place became the headquarters of the Portuguese Empire. He conquered Malacca in the Far East and fitted out an expedition for the Spice Islands. In 1515, he conquered Ormuz, an Island in the Persian Gulf. He built a fort at Cochin with the permission of the Rajah.

He appointed a large number of Portuguese officers for the work of administration. While the Muslims were persecuted, the Hindus were welcomed in the various branches of administration. Schools were established for them. The Panchayats of the Hindus were not discarded. Indian soldiers commanded by Hindu officers were welcomed. He also encouraged the marriages of the Portuguese with Indian women.

Albuquerque was a great man. He can really be called the *founder of the Portuguese Empire in India*. "He had traits in his character that appeal peculiarly to orientals: his valour, his strict veracity, his integrity and charitableness. He was feared and at the same time loved. He was not a man to be daunted by one failure and never rested till he had achieved his resolve. A patriot every inch, his reputation for disinterestedness was very high." Again, "His lofty vision was accompanied by a commanding character and by a tenacity of purpose which few leaders have possessed; he had a genius for civil administration as well as for war, while in diplomacy he could meet orientals with their own weapon." No wonder, he was called by his countrymen Albuquerque, the Great. It is said that when he died in 1515, he was buried at Goa "amidst the regrets of Europeans and natives, by whom he was equally loved."



Albuquerque

According to Dodwell, "In many ways he anticipated the qualities which were to mark out the great Englishman, Clive. Both were great military leaders, whose courage and insight rose with danger. Both were men of unshakable constancy, ready to meet any foe however numerous; of a high spirit, which imposed itself on their followers; of a good fortune, which daunted their enemies. Both were capable of acts of treachery; but both resorted to treachery so rarely that they never lost the confidence of other men. Both had

the skill to discern essential conditions of success and to ignore all else. Albuquerque seems to have stood alone in his generation in perceiving that 'a dominion founded on a navy alone cannot last.' He insisted against all opposition from Portugal on the importance of maintaining Goa as the centre of Portuguese power in the east, as a great dockyard in which vessels could always be refitted, re-manned and revictualled, and as a great city whence reserves of troops could always be drawn. In this he was certainly justified. When a century afterwards the Portuguese found themselves involved in a war of life and death, they could not possibly have maintained the struggle for over fifty years but for the resources which had been accumulated at Goa." (*The Cambridge Shorter History of India*, p. 384).

The power of the Portuguese kept on growing even after the death of Albuquerque. They got Diu and Bassein in 1534. Four years after, they conquered Daman. In the same year they got permission to establish a factory at Goa. In 1545, the fort of Diu was attacked by the King of Gujarat but was successfully defended. In 1571, the rulers of Bijapur, Ahmednagar and Calicut combined together against the Portuguese. However, they failed to take possession of Goa.

It is to be observed that the appearance of the Portuguese in India led necessarily to a conflict of interests. It was not, as it has occasionally been represented, a struggle between the Christians and Muslims, but one between importers and exporters. The Indian importers, many of whom were Muslims, welcomed the Portuguese as new customers. The Arab and Egyptian customers objected to them as new competitors who might break their existing monopoly. The result was that the Portuguese acquired from the ruler of Calicut the principal sea-port on the Malabar Coast and established friendly relations at those centres which offered the largest supply of pepper.

The Portuguese were not satisfied with merely a share in the trade. They were determined to control the same. This they were able to accomplish by setting up a strong navy which helped them to command the seas. They also built fortresses to guard the narrow waters. They set up a central establishment from which operations could be directed and on which the navy could be based.

As regards the methods adopted by the Portuguese to control the trade, some routes, and some commodities on all routes, were monopolised for the benefit of the kingdom of Portugal. Subject to these restrictions, Indian or other ships could obtain licences to ply between specified ports on payment of substantial fees. An unlicensed vessel was liable to be captured and confiscated. The gun boats employed by the Portuguese to patrol the routes were more than a match for the cumbrous ships of their rivals. By these methods, the Portuguese controlled the main trade routes throughout the sixteenth century. It is true that some goods continued to reach Europe over land, but that was due mainly to the increasing corruption of the Portuguese officials who looked upon their posts as source

of private gain and could be bribed to allow the contraband goods to pass.

The possessions of the Portuguese on the west coast of India were an integral part of the kingdom of Portugal. However, settlements of less regular type cropped up on the east Coast of India. At various places in Bengal and on the Coromandel Coast, Portuguese merchants settled with the consent of the local rulers. However, relying on the prestige of their nation, they fortified their settlements, assumed right of self-government and eventually in some cases repudiated the authority of the Portuguese Viceroy at Goa. Thus Portuguese settlements became centres of lawlessness and in some cases nests of pirates.

The immediate effects produced by the Portuguese in India were not great. In the field of politics, their capture of Goa involved them in enmity with Bijapur. On the whole, they maintained friendly relations with Vijayanagar, but they did not render any material help to her in her struggle against the Muslims. From the point of view of the Indians. the appearance of the Portuguese merely added one more element in the confused politics of the time. In war, they introduced higher standards of efficiency in artillery and musketry. They created a legend of invincibility which immensely helped them in their work.

So far as commerce was concerned, it cannot be said that the diversion of trade was accompanied by any great expansion in the exports of Indian goods. It is probable that more pepper reached Western Europe than before. However, the only new development was the opening of new markets for Indian cotton goods in Western Africa and Brazil. The Portuguese were not successful in developing the import trade. The great bulk of their purchases were paid for in silver. They could sell little except luxuries and curiosities from Europe. The important service which they rendered to India was the effective policing of the coastal trade. There were nests of pirates along the Malabar Coast who lived mainly by attacks on the small vessels which plied in great numbers between Gujarat on the one side and Ceylon, Madras and Bengal on the other. The Portuguese provided gun-boats to convoy the fleets of these vessels and thereby established a reasonable degree of security on the main line of Indian trade. However, we must not forget the toll whether in licence fees or in bribes, which they levied on Indian commerce, both coastal and foreign.

From the beginning of the 17th century, the power of the Portuguese began to decline. This was particularly due to the fact that in 1580 Portugal was made a part and parcel of Spain in the time of Philip II of Spain. Spain herself was not doing well at that time. She could hardly be expected to defend the interests of the Portuguese. The result was that one by one the Portuguese lost many of their possessions. They were turned out from Amboyna by the Dutch. In 1622, Ormuz was snatched away by the Government of Iran. The Dutch got Malacca in 1640. They were also turned out from Ceylon in 1656. In 1739, the Marathas got Bassein.

Causes of failure of Portuguese empire in India[1]. Many causes were responsible for the failure of the Portuguese empire in India.

(1) After the death of Albuquerque, no strong person was sent by the Portuguese Government to India. The result was that the Portuguese empire began to disintegrate.

(2) The Portuguese administration in India was corrupt. The salaries of the officials were low and consequently they felt no hesitation in accepting bribes from any quarter The bulk of the Portuguese officials were selfish. Unmindful of the sufferings of the people, they were bent upon making fortunes for themselves. The means did not matter to them.

(3) The religious policy of the Portuguese was also responsible for their ruin[2]. The Portuguese introduced the Inquisition into India and they committed atrocities on those who were not Christians. They used all kinds of methods for the conversion of the people of India to Christianity. Their coercive methods created bitterness in the minds of the people. In 1540, all the Hindu temples in the Island of Goa were destroyed under the orders of their king. The Franciscan missionaries arrived in 1517 and Goa became the centre of an immense propaganda. The Portuguese authorities in India did not care for the people. The civil authorities at Goa wrote to their king in 1552 thus : "In India, there is no justice either in your Viceroy or in those who are to mete it out. The one object is gathering together of money by every means."

(4) The establishment of the Mughal empire was also partly responsible for Portuguese failure. At the beginning of the 16th

1. *Cf.* "Though the earliest in the East, Portugal could not establish any permanent dominion in India."

2. Before the capture of Malacca, Albuquerque is said to have observed thus : "The first is the great service which we shall perform to our Lord in casting the Moors out of this country, and quenching the fire of this sect of Muhammad so that it may never burst out again hereafter ; and I am so sanguine as to hope for this from our undertaking, that if we can only achieve the task before us, it will result in the Moors resigning India altogether to our rule, for the greater part of them—or perhaps all of them—live upon the trade of this country, and are become great and rich, and lords of extensive treasures.... And the other reason is the additional service which we shall render to the King Dom Manoel in taking this city, because it is the headquarters of all the spices and drugs which the Moors carry every year hence to the Straits, without our being able to prevent them from so doing ; but if we deprive them of this, their ancient market, there does not remain for them a single port nor a single situation as commodious in the whole of these parts, where they can carry on their trade in these things. For after we were in possession of the pepper of Malabar, never more did any reach Cairo, except that which the Moors carried thither from these parts, and the forty or fifty ships, which sail hence every year laden with all sorts of spices bound to Mecca, cannot be stopped without great expense and large fleets, which must necessarily cruise about continually in the offing of Cape Comorin ; and the pepper of Malabar, of which they may hope to get some portion, because they have the King of Calicut on their side, is in our hands, under the eyes of the Governor of India, from whom the Moors cannot carry of so much with impunity as they hope to do ; and I hold it as very certain that, if we take this trade of Malacca away out of their hands, Cairo and Mecca will be entirely ruined, and to Venice will no spices be conveyed, except what her merchants go and buy in Portugal".

century, the Portuguese did not meet any great opposition. However, after the accession of Akbar in 1556, the Mughal power began to grow. The Mughals were able to bring practically the whole of India under their control. Under these circumstances, there was no scope for the growth of the Portuguese power on the mainland of India.

(5) Portugal is a small country. Its resources were not sufficient for the conquest of a country like India. Moreover, the resources were divided between the Portuguese possessions in India and Brazil. After some time, the Portuguese started caring more for Brazil than for India.

(6) In 1580, Portugal came under the control of Spain. The result was that the Spanish interests predominated and the Portuguese interests were subordinated. Various restrictions were put on Portuguese enterprise in the interests of Spain. Lisbon, which was once the depot of Europe, lost all its importance. Worthless Spanish officers were sent to the Portuguese possessions in India and these persons tried to make as much money as possible unmindful of its effect on the people of the country. These Spanish favourites ruined the Portuguese cause in the country.

(7) The rise of the Dutch and the English power in India created strong rivals in the country. They were more than a match for the Portuguese. The result was that by slow degrees the Portuguese empire in India failed.

(8) The Portuguese who came to India were characterised by great individual courage, enthusiasm for conquest, personal and national pride, but many of them were cruel, factious and domineering. Their early success encouraged their inborn arrogance. No wonder, they came to regard the Asiatics in general as their natural subjects. As very few Portuguese women came from Europe, they were encouraged to marry Indian women. It was hoped that in this way the Portuguese settlements in India would become self-supporting in soldiers and sailors. Unfortunately, the mixed race which came into existence was inferior to the original stock, less brave, but not less arrogant, increasingly avaricious and corrupt. Records of gallant exploits became fewer, and instances of treachery and rapacity increased. The Portuguese came to be detested by the people of India and no wonder that in course of time their empire in India became an insignificant one.

Regarding the causes of Portuguese failure, Dodwell observes thus : "But by the close of the sixteenth century the Portuguese dominion was fast falling into decay. The officials were corrupt ; the fortresses unrepaired and unarmed ; trade was declining. Even more significant was the dissolution of Portuguese union and solidarity. When the Raja of Cochin had resolved to accept the Portuguese alliance, he had been moved by admiration for their discipline, which was such that, had a cabin-boy arrived with the king's orders to command them, he would have been obeyed. But when Francisco da Gama was Viceroy at Goa from 1597 to 1600, he was subjected to the grossest insults. The statue of his great ancestor

Vasco was thrown down and broken ; and on the day when he embarked for his homeward voyage, forty men went aboard and hung him in effigy from his own yard-arm. Some of the causes of this decline are evident. Portugal was but a small country ; she had undertaken two great enterprises—the occupation of Brazil and the conquest of Indian waters. Both took a heavy toll of her manhood. The mortality on board the ship and in tropical climates was extraordinary. Few of the gallant, adventurous men who built up the Portuguese position in the east ever returned to their native country. The breed, robbed of its finest elements, decayed ; and their successors were not the equals of the early adventurers. Even by 1538 difficulties were found in securing the necessary number of men. Outlaws were tempted by a general pardon to all, heretics and traitors excepted who would volunteer for Indian service. Criminals sentenced to death were respited and sent out into perpetual banishment ; and lesser criminals were offered pardon in return for three or more years' service. The Portuguese settlements were being reinforced by men bringing little of civic virtue, who would probably mate and breed with the lowest classes of the Indian population.

"At the same time the Portuguese were falling into a condition of mental stagnancy. The astonishing progress which they had made in the allied arts of shipbuilding and navigation ceased. They remained supreme in Indian waters, but were doomed to succumb should they be called on to meet men who should have learnt tc build or sail or fight their ships better than the Portuguese had learnt to do by the time of Vasco da Gama and the great Albuquerque. Goa was, in fact, destined to become the burial-place of reputations." (*The Cambridge Shorter History of India*, p. 391).

The Dutch in India. The students of history are familiar with the revolt of the Netherlands against Philip II. It is also well known that in spite of all the efforts of Philip II, they were able to win their freedom. It was in the hour of their victory that the Dutch Company was started in 1592 by a group of Amsterdam merchants. Three years after, Cornelius Houtman set out for India and returned with large cargo in 1597. The Indian Archipelago was opened to the Dutch. The Dutch success was so great that many other companies were started. In 1602, all the Dutch companies were amalgamated into the Dutch East India Company. A Charter was also given. It gave a monopoly of eastern trade to the Company which was also empowered to wage war, make treaties, occupy territories and build fortresses.

The main object of the Dutch Company was trade. The Dutch concentrated their attention on the Spice Islands in the Far East. They tried to establish their exclusive monopoly. They made the chiefs of the islands accept the sovereignty of Holland. All other European nations were forbidden to trade with those islands. Every effort was made to maintain the monopoly of trade.

It is true that the Dutch and the English entered the East as friends. Both of them were the champions of Protestants against

Catholic Spain and Portugal. However, differences arose between the two powers. The Dutch were determined to maintain their monopoly at all costs. The rivalry between the two countries increased to such an extent that in 1623 the Dutch perpetrated the massacre of Amboyna. After this tragedy, the English were forced to leave the Spice Islands and retire to the mainland of India.[1] The Dutch had to pay an indemnity of £85,000 in the time of Cromwell.

The Dutch conquered Malacca from the Portuguese in 1641. In 1658, they acquired Ceylon. In India, they had Negapatam on the Madras Coast and Chinsurah in Bengal. From the beginning to the end, the Dutch position in India was insignificant.

The Danes in India. Encouraged by the other European merchants, the people of Denmark also thought of having a share in the Indian trade. For that purpose, they founded a settlement in 1620 at Tranquebar in the Tanjore District. In 1676, they occupied Serampore. However, the Danes did not find a foothold in India and consequently they sold their settlements in India to the British Government in 1845.

Suggested Readings.

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DODWELL, H. H. (ED.) : *Cambridge History of India*, Vol. V.

JAYNE, K. G. : *Vasco da Gama and His Successors* (1910).

ROSS, E. D. : *The Portuguese in India and Arabia between 1507 and 1517.*

WHITEW Y *T" e Rise of the Portuguese Power in India (1497-1550)*.

1. "The high-handed policy of the Du. h n the Malaya Archipelago was a blessing in disguise for the English."

CHAPTER II

RISE AND GROWTH OF THE ENGLISH AND FRENCH EAST INDIA COMPANIES

Like other Europeans, Englishmen also were desirous of getting the things produced in India and the Far East. After their victory over the Spanish Armada in 1588, their desire to trade directly began to increase. In September 1599, a resolution was passed under the Chairmanship of Lord Mayor to form an association to trade directly with India. On 31st December 1600, Queen Elizabeth granted a Charter to the Governor and Company of Merchants of London trading into the East Indies. The Charter authorised the London Company to traffic and trade freely "into and from the East Indies, in the countries and parts of Asia and Africa, and into and from all islands, ports, havens, cities, creeks, towns and places of Asia and Africa and America, or any of them beyond the Cape of Bona Esperanza to the Streights of Migellan." The Charter was given for 15 years and the same could be cancelled after giving a notice of two years. It is true that James I gave a new Charter which made the Charter of 1600 perpetual, but the same could also be ended by giving a notice of 3 years if it was proved that the continuation of the monopoly was injurious to the interests of the people at large.

To begin with, the London Company organised separate voyages. What was actually done was that a large number of persons contributed money for the expedition and distributed among themselves the profits of victory. There was no dearth of subscribers as the profits made by the Company were enormous. In certain cases, the profits were as high as 500 or 600%. Joint stock enterprises began in 1612. The first two voyages were directly towards the Spice Islands. The English Company set up a factory at Bantam and also did some trade there. However, it met bitter opposition at the hands of the Dutch. Captain Hawkins was sent along with the third voyage. He landed at Surat and from there went to the Court of Jahangir to get certain concessions for the English. Hawkins was received favourably at the Court and the English were given the permission to settle at Surat. However, the concession was cancelled on account of the Portuguese influence at the Mughal Court.

In 1612, Captain Best defeated the Portuguese fleet off Swally near Surat. The result of this victory was that the Portuguese influence declined and the English Company got the permission to set up a factory at Surat.

In 1615, Sir Thomas Roe was sent to the Court of Jahangir by James I, King of England. He was successful in securing certain trading concessions for the English Company from the Mughal

Emperor. This he did in spite of the opposition from the vested interests.

In 1622, the English captured Ormuz from the Portuguese with the help of the King of Iran. The English also set up their trading stations at Aramgaon and Masulipatam. The site of Madras was bought by the English Company in 1640. Permission was also obtained to set up a fortified factory called Fort St. George. In 1633, factories were set up at Balasore and Hariharpore. In 1651, a factory was set up at Hugli. In 1661, London Company got the Island of Bombay from Charles II at a nominal rent of £10 a year.

In 1688, there was a dispute between the English traders in Bengal and Governor Shayista Khan. At that time, Sir Josiah Child was the Governor of the English Company and he persuaded James II, King of England, to declare war against the Mughal Government. The English failed miserably They were no match for the might of Aurangzeb. The English factory at Surat was captured and the English were ordered to leave the Mughal territory. Ultimately, peace was brought about. The English got permission to come back. They also got from Aurangzeb the permission to build a factory on the site of Calcutta in 1690. In 1696, a fort was built at that place and the same was called Fort William. The English Company also bought the villages of Sutanati, Kalikata and Govindapur. Thus the city of Calcutta began to grow.

In 1714, the Presidencies of Calcutta, Madras and Bombay sent a combined mission to the Court of Emperor of Farrukhsiyar under John Surman. With the help of William Hamilton who had cured the emperor of a disease, Surman was able to get three Firmans in July 1717. By these Firmans, the right of the Company to trade duty free in Bengal, in lieu of an annual payment of Rs. 3,000 was confirmed. The English Company was also allowed to settle whereever they pleased and to rent additional territories round Calcutta. In the case of province of Hyderabad, the English Company was allowed freedom from all the dues except the rent paid for Madras. In the province of Gujarat, a yearly sum of Rs. 10,000 was accepted in the satisfaction of all customs due at Surat. The rupees coined by the English Company at Bombay were made current throughout the Mughal empire. It cannot be denied that the concessions obtained by Surman added to the powers and prosperity of the English Company.

A reference may be made at this stage to the various changes made in the London Company itself. In 1615, the Company was authorised to issue commissions to its captains. In capital offences a verdict was to be given by a jury alone. In 1623, the Company was authorised to grant commissions to its Presidents and Chief Officers for the punishment of offences committed by the servants of the Company on land. In capital offences, the trial was to be by a jury.

The London Company met with opposition from the Assada Company. This Company got a licence to trade with the East Indies in 1635. It founded a settlement at Assada in Madagascar and carried on trade vigorously. It was able to inflict great losses

on the London Company. Ultimately, a compromise was arrived at and the Assada Company was merged into the London Company.

London Company got a setback on account of the Civil War in England. However, she gained in the time of Cromwell. The Company got £85,000 as compensation for the massacre of Amboyna in 1623. The Charter of 1657 required the Company to have one continuous joint stock. According to Hunter, "The London Company was transformed from a feeble relic of the medieval trade-guild into a vigorous forerunner of the Modern Joint Stock Company." The Charter of 1657 provided that any one would become a member of the Company by paying an entrance fee of £5 and by subscribing at least £100 to the stock of the Company. The member could vote in the general meeting only if he had stock worth £500. Those who held stock worth £1,000 or more could be elected as the members of the Committees. The term of the office of the Governor and Deputy Governor was reduced to 2 years.

A new Charter was issued to the Company by Charles II in 1661 after the Restoration. The Company was authorised to send ships of war, men and ammunition for the security of their factories. They could also erect forts. They could choose commanders and officers and give them commissions under their seal. They were to exercise power and command over their fortresses. They were given power to appoint Governors and other officers. The Governor and his Council were given general judicial authority "to judge all persons belonging to the said Governor and Company or that shall live under them, in all cases, whether civil or criminal, according to the laws of this kingdom, and to execute judgment accordingly". Where there was no Governor, the Chief Factor and Council were empowered to send offenders for punishment either to a place where there was a Governor and a Council or to England.

The Charter of 1683 gave the Company full power to declare war and make peace with any other power. The Company was also given the power to raise, arm, train and muster sufficiently a strong army. The Charter also provided for the establishment of a Court consisting of one person learned in civil law and two assistants to be appointed by the Company.

The Charter of 1686 authorised the Company to appoint admirals and other sea officers. The Company was given a general power to coin any species of money.

The Charter of 1693 added £744,000 to the capital of the Company. No individual member was to be allowed to subscribe more then £510,000. For every one thousand pounds, the subscriber was given one vote, but no one could exercise more then 10 votes. The salaries of the Governors and Deputy Governors were fixed. The Charter of 1694 made the principle of rotation of offices compulsory. Neither Governor nor Deputy Governor could remain in office for more than two years. Eight Committees out of twenty-four were to be elected every year.

It is desirable to mention the case of East India Company *vs.* Sandys. In this case, the Company brought an action against

Mr. Sandys on the ground that he had traded to the East Indies without their licence. The case ended in favour of the Company. The Company also detained the Redbridge which was lying in the Thames, but was believed to be bound for the East Indies. The action of the Company was challenged. It was contended that the Company had no such right to detain a ship. On 19th January 1694, the House of Commons passed a resolution that "all the subjects of England have equal right to trade to the East Indies unless prohibited by Act of Parliament." Although a resolution of Parliament had not the force of law, it had undoubtedly the effect of encouraging the interlopers. As the Company was determined to stop them there was bound to be trouble.

At this time, Mr. Montagu was the Chancellor of the Exchequer. He was in need of money for the State, and was finding out ways and means for the same. The monopoly in trade was virtually put up for auction among all those who could give the Government £2,000,000 at 8% p.a. The London Company offered £700,000 which was insufficient. But a new Campany was willing to subscribe the amount needed. The result was that a Bill was passed in 1698 by the British Parliament. The Act provided for a subscription of £2,000,000 sterling as a loan to the State which in return was to grant "General Society" the exclusive right of trading to the East Indies. The London Company was to be given a notice of three years (expiring in 1701) to wind up its business.

In order to strengthen its position, the old Company bought shares worth £315,000 in the new Company. There was ruinous competition between the two Companies for some time. The result was that the new Company began to lose heavily. Ultimately, a compromise was arrived at in 1702. According to this compromise "the old Company was to maintain its separate existence for seven years, but the trade of the two companies was to be carried on jointly, in the name of the English Company, but for the common benefit of both under the direction of twenty-four managers, twelve to be selected by each Company. At the end of the seven years, the old Company was to surrender its Charters." The new Company was to carry on its trade in the name of "The United Company of Merchants of England trading to the East Indies." In March 1709, the London Company surrendered its Charters to Queen Anne.

THE FRENCH EAST INDIA COMPANY

When other European nations were desirous of trading with India and having a share of the profits, the French also thought of trying their luck. It was in 1611 that King Louis XII of France granted letters patent to a Company for the monopoly of the eastern trade. However, that attempt ended in smoke. In 1664, a new Company was started under the guidance of Colbert and Louis XIV. The Government of France undertook to defend the territories of the French Company. The French Company was to concentrate on India. Madagascar was to serve as a half-way house. In December 1667, the first French factory was established at Surat by Francis Caron who was nominated as Director-General. Another French

factory was established at Masulipatam in December 1669. This was facilitated by a grant from the King of Golkunda which freed the Company from import and export duty. Caron was called back in 1672 and his place was taken by Francis Martin.

Martin was one of the real founders of the French Company in India. In the year of his appointment, he founded the settlement of Pondicherry under a grant from Sher Khan Lodi, the King of Bijapur. In spite of the fact that Martin did not get help from the Home Government, he was able to make Pondicherry the premier settlement of the French on the Indian mainland. It is true that Pondicherry had to be surrendered to the Dutch in 1693 on account of their superior forces, but the same was restored to the French in 1697 by the Treaty of Ryswick. Martin was once again appointed the Governor of Pondicherry. In 1706, Martin died.

The French had also their settlements at Chandranagar, Balasore and Qasim Bazar. On the Malabar Coast, the French got Mahe in 1725. In 1739, they got Karaikal on the Coromandel Coast.

After the death of Martin, there was confusion in the affairs of the French East India Company for some time. However, after 1726, things began to improve. In 1735, Dumas became the Governor of Pondicherry. He got permission from Delhi to coin money. In 1739, he got Karaikal as a reward for his support of a pretender to the throne of Tanjore. This is where the French Company stood when it came into conflict with the English East India Company in the 1740's.

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CHAPTER III

ANGLO-FRENCH STRUGGLE FOR SUPREMACY IN THE DECCAN

Before describing the struggle for supremacy between the English and French East India Companies,[1] it is desirable to explain their respective positions on the eve of Carnatic Wars. To put it briefly, the English East India Company was a private enterprise and consequently possessed a lot of initiative and vigour. It was a prosperous Company and carried on a lot of trade. The despatches of the Company point out to the large volume of trade carried on by it. Its officers were putting their very best into their jobs and the Englishmen were looking forward to their good prospects in the future. As compared with it, the French East India Company was more the "off-spring of State patronage than the outcome of spontaneous mercantile activity." There was too much of control of the Government and that destroyed all initiative on the part of the officials of the French Company. The volume of trade carried on by them was not much and consequently the French Company was poor. Moreover, the only

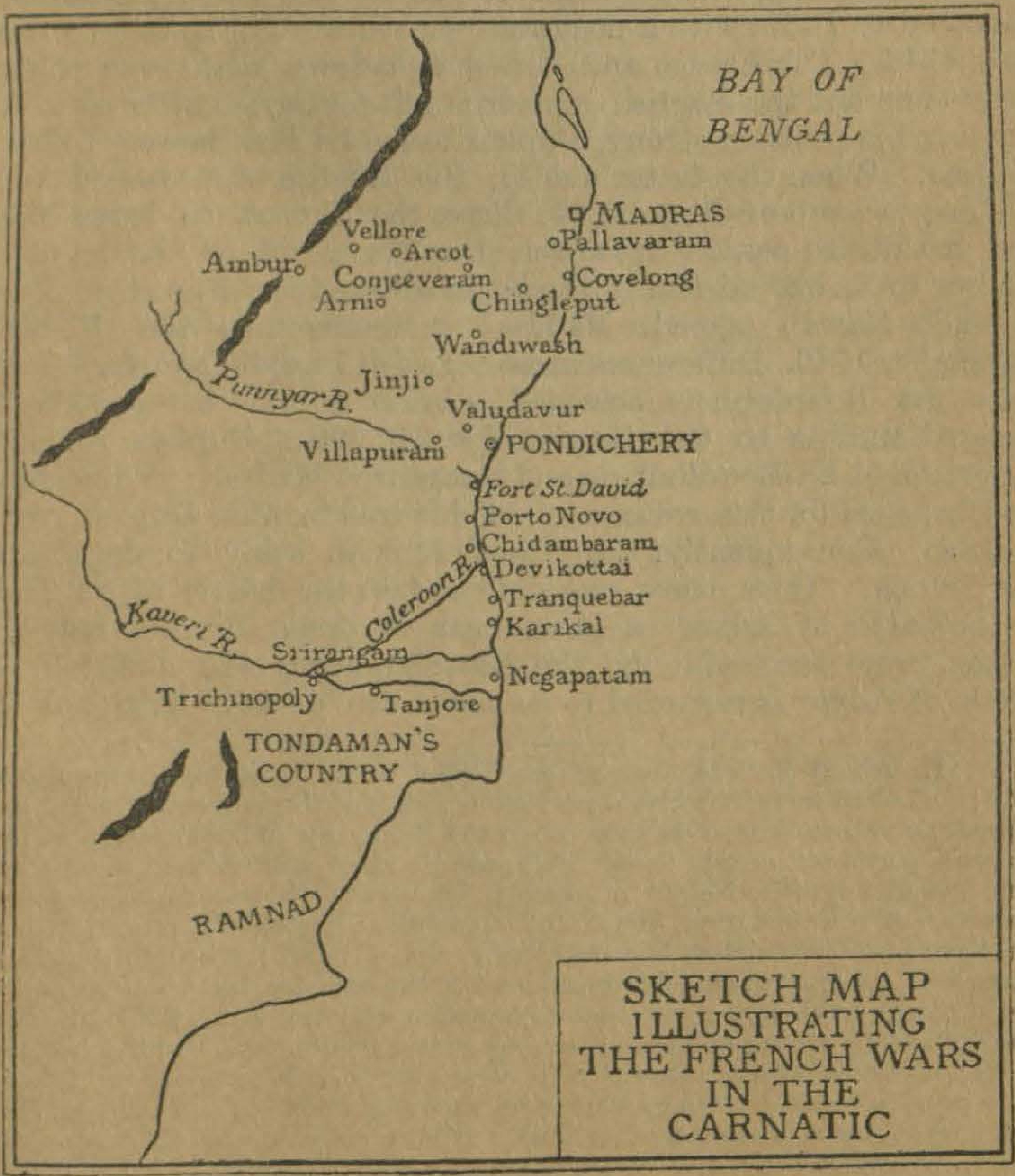
1. According to Ramkrishna Mukherjee, "While the English found a tougher rival in the Dutch than in the Portuguese, the French outrivalled both. Both the Powers, the English and the French, fought their utmost in the eighteenth century to obtain, in the end, India—'the jewel of the East' as booty.

"Why was the Anglo-French rivalry so many times more virulent than the Anglo-Portuguese or the Anglo-Dutch rivalries ? The reason appears to lie in the fact that in the first half of the seventeenth century, when the Portuguese and the English fought most seriously over India, the Mughal Power was strong and so it could resist any aggressive move of a foreign power. Hence, the rival merchant powers could only snipe at each other's trading advantages, while maintaining the facade of remaining 'peaceful traders' to the Mughal Emperor and his vassals and pleasing them with flattery and presents. In later years also, even though the Mughal Power had begun to disintegrate from the beginning of the eighteenth century, it was yet strong enough to punish any impudence on the part of foreign merchants ; so the Anglo-Dutch rivalry, reaching its climax in the second half of the seventeenth century, could also not come completely out in the open, although it was more virulent than the Anglo-Portuguese rivalry. The Anglo-French rivalry, however, took place mainly after the fourth decade of the eighteenth century, when after the death of the Mughal Emperor Aurangzeb in 1707 the disintegration of the Mughal Empire could not pass unnoticed even by a superficial observer. So, a serious contest with a view to control India for the supreme 'trading' advantages of one company at the expense of others, by means of subduing the power of the Indian rulers and using this power to the favour of one company only, a contest which could not unfold itself in the previous phase of 'commercial enterprises' of the European merchant bourgeoisie in India, now came out very openly.

"Neither the Portuguese nor the Dutch could avail themselves of this wonderful situation, as their powers were already broken. The English Company, therefore, found itself without any serious rival in India except the French. And the fight which ensued between them after the fourth decade of the eighteenth century was quite naked as regards the ultimate objective of merchant capital". (*The Rise and Fall of the East India Company,* pp. 109-110).

important settlement of the French was at Pondicherry. Chandranagar was no good. There was nothing to compare with Bombay. The English Company had a brilliant record of progress and growth and consequently the people of England looked upon the English Company with a feeling of pride. However, that was not the case with the French Company which failed to fire the imagination of the Frenchmen. It is obvious that the French were handicapped in their race for supremacy with the English Company. All the resourcefulness of Dupleix could not change the state of affairs.

First Carnatic War (1746-48). The French and the English Companies fought the three Carnatic Wars in the Deccan and these wars sealed the fate of the French in the Deccan. As regards the 1st Carnatic War, it was merely an echo of the war of Austrian Succession which broke out in Europe in connection with the succession of Maria Theresa to the throne of Austria. In spite of the pragmatic sanction, Frederick, the Great, of Prussia occupied Silesia. He ironically remarked that it would have been better for Maria Theresa's father to have left a few more battalions than the pragmatic



SKETCH MAP ILLUSTRATING THE FRENCH WARS IN THE CARNATIC

sanction which was nothing better than a waste paper. The news of the War of Austrian Succession reached India in 1744. However,

rumours of war were presisting ever since 1740 and both the parties were making preparations to oust each other.

At this time, Dupleix was the Governor of Pondicherry. Finding his position not very strong, Dupleix is stated to have suggested to the Madras Governor to observe neutrality. Such a suggestion was not accepted by the English Governor. The latter was expecting reinforcements from Home Government and he hoped to drive out the French from India with their help. Dupleix still persisted his efforts to save the French. Ultimately, he appealed to Anwar-ud-Din, the Nawab of Carnatic. The Nawab told both the English and the French Companies not to quarrel and thereby not to break the peace of the country. The English did not like the idea of challenging the authority of the Nawab of Carnatic and submitted to the orders. The British troops along with its squadron reached India but Commodore Barnett died soon after.

Dupleix had also sent a word to La Bourdonnais, Governor of Mauritius, asking him for help. The result was that La Bourdonnais hastened to India with a fleet and reached the Coromandel Coast in July 1746. The French and British squadrons faced each other for some time but the English squadron left for Ceylon after some time. Finding his position strong, Dupleix asked La Bourdonnais to besiege Madras. When the latter did so, the English approached Anwar-ud-Din, Nawab of Carnatic, to direct the French to leave Madras and maintain peace. However, Dupleix promised to hand over Madras to Anwar-ud-Din if the latter allowed the French to conquer it. The Nawab agreed. Madras[1] surrendered to the French in September 1746. Differences arose between Dupxile and La Bourdonnais. La Bourdonnais accepted a bribe of one lac pagodas and restored Madras to the English for £40,000. Dupleix repudiated the action of La Bourdonnais and recaptured Madras. When Anwar-ud-Din asked for the restoration of Madras to him, Dupleix refused to do so. Consequently, the Nawab sent an army to fight against the French. That army was defeated in the battle of St. Thomas or the battle of Adyar, a place near Madras. In this battle, the French were successful and the Nawab's army was defeated. The battle of Adyar is regarded to be one of the decisive battles of India.

1. About Madras, Commodore Griffin wrote thus to Nizam-ul-Mulk in 1747: "I shall not enter into a particular detail of the robberies, cruelties, and depredations, committed on shore upon the King my Master's subjects, by that insolent, perfidious nation the French; connived at, and abetted by those under your Excellency, (the Nabob of Arcot), whose duty it was to have preserved the peace of your country, instead of selling the interest of a nation, with whom you have had the strictest friendship time out of mind; a nation that has been the means not only of enriching this part of the country, but the whole dominions of the grand Mogul; and that to a people who are remarkable all over the world for encroaching upon, and giving disturbances and disquiet to all near them; a people who are strangers in your country, in comparison of those who have been robbed by them of that most important fortress and factory, Madras; and now they are possessed of it, have neither money nor credit, to carry on the trade....And now, excellent Sir, we have laid this before you, for your information and consideration; and must entreat you, in the name of the King of Great Britain, my Royal Master, to call the Nabob to an account for his past transactions, ane interpose your power to restore as near as possible in its original state, what has been so unjustly taken from us".

It demonstrated the superiority of disciplined infantry supported by artillery over cavalry.

Dupleix tried to capture Fort St. David also but failed. The English tried to capture Pondicherry, but the French defended the same successfuly.

The first Carnatic War was ended by the Treaty of Aix La Chapelle of 1748. The net result of this treaty was that the English got back Madras and the French got back Louisburg in North America. Although the treaty did not bring about any changes, yet, according to Prof. Dodwell, this treaty marks an epoch in Indian history. To quote him, "It demonstrated the overwhelming influence of sea power, it displayed the superiority of European methods of war over those followed by Indian armies, and it revealed the political decay that had eaten into the heart of the Indian state."

Rise of the Hyderabad State.

Before describing the events of the Second Carnatic War, it is desirable to refer to the rise of the Hyderabad State. This State was created by Nizam-ul-Mulk. In 1713, he was appointed the Viceroy of the six Subahs of the Deccan. The Nizam was ambitious and unscrupulous and he decided to rule those Subahs independently of the Mughal authority at Delhi. The Nizam had to pass through many ups and downs before he could finally achieve his objective. He was the Viceroy of the Deccan up to 1715 when he was called back to Delhi. He was appointed the Governor of different places. He was sent to Muradabad, then to Patna and Ujjain. From there he was also called back in 1719 and was asked to choose anyone out of the four provinces of Akbarabad, Allahabad, Multan and Burhanpur. He did not approve of the royal action and consequently began to prepare for self-defence. He made straight for the Narmada and crossed it in May 1720. He occupied the fortresses of Asirgarh and Burhanpur in May 1720. He defeated the Mughal forces sent against him in the battles of Khandwa and Balapur in June and July 1720 respectively. These victories left the Nizam the master of the six Subahs of the Deccan and the Viceroyalty was conferred on him by the Mughal emperor.

In 1722, he was appointed the Wazir of the Mughal empire. As Wazir, he tried to stop the rapid disintegration of the Mughal empire but finding his task hopeless, he left for the Deccan in 1724. That was considered to be an act of disloyalty and the Nizam had to fight successfully the battle of Shakar-kheda in October 1724 against the Mughal troops. The Nizam entered Hyderabad in 1725 as a victor. In June 1725 he was pardoned and a formal order appointing him the head of the Deccan was passed. However, he was removed from the Governorship of Malwa and Gujarat. After 1725, Nizam-ul-Mulk concentrated his attention on the Deccan and was able to develop the State of Hyderabad without any interference from the Mughal empire at Delhi. This he continued to do till his death in 1748. However, he had to fight against the Marathas who were determined to sweep everything before them. Between 1727 and 1731, the Nizam successfully created dissensions among the

Marathas but ultimately he failed. Bajirao Peshwa defeated the Nizam in the battle of Palkhed and forced on him the treaty of Mungi-Shegaon. The Nizam agreed to allow the Marathas to collect Chauth and Sardeshmukhi.

In 1737, the Nizam was appointed the Chief Minister of the Mughal empire and he was given the title of Asaf Jah ("Equal in dignity to Asaf, the Minister of King Solomon"). The immediate problem before the Nizam was to deal with the Marathas. However, he himself was defeated by Bajirao in a battle near Bhopal in 1738. He had to sign the treaty of Durai Sarai by which he had to give the whole of Malwa and the territory between the Narmada and Chambal to Bajirao. The Nizam was in Delhi when Nadir Shah attacked India. However, he went back to the Deccan and continued to consolidate his position there till his death in 1748. Before that, he was successful in putting the State of Hyderabad on a very stable footing.

According to J.N. Sarkar, "For a quarter of a century Asaf Jah had been the most outstanding personality in the Mughal empire. He was universally regarded as the sole representative of the spacious times of Aurangzeb and of the policy and traditions of that strenuous monarch. The higher minds among the younger generation of the court nobility looked up to him with the respect due to a father, while fools and knaves hated him for his love of discipline and the honesty of administration. He was undoubtedly the foremost General of his time in India. In Statecraft and diplomacy, he was no less eminent. He had the true statesman's length of vision and spirit of moderation, and of this we have many proofs He won over the surviving partisans of Mubariz Khan by liberal provision for their support After crushing the rebellion of his son Nasir Jung, he destroyed unread the rebel's despatch box which was reported to contain promises of adhesion from thirty-eight nobles of his own court. Still more strongly was his wisdom shown when in 1739, Nadir Shah, disgusted with the inability of Mohammad Shah, offered the throne of Delhi to Asaf Jah, but the latter refused to be disloyal to his master." (*Cambridge History of India*, Vol. IV, p. 385).

The Second Carnatic War (1748-54). There are two aspects of the war between the English and the French. On the one hand, Asaf Jah Nizam-ul-Mulk died in May 1748. There was a struggle between his second son Nasir Jung and grandson Muzzafar Jung[1]. Both of them aspired to the headship of the Deccan. Muzzafar Jung joined hands with Chanda Sahib[2] who wanted to be Nawab of

1. He was the son of Asaf Jah's daughter.

2. Chanda Sahib was the son-in-law of Dost Ali, Nawab of Arcot. In 1732, he was sent by his father-in-law to occupy Trichinopoly. He was able to capture it by falling in love with the widow of the king of Trichinopoly. He also tried to capture Tanjore and Madura but failed on account of opposition from the Marathas. When his father-in-law was killed in 1740 by the Marathas, Chanda Sahib thought of capturing Arcot and marched towards the same. However, he failed in his objective. The Marathas also snatched away Trichinopoly from him. Chanda Sahib was captured by the Marathas and kept

(*Contd. on page 21*)

Arcot. Chanda Sahib also opened negotiations with Dupleix. The latter recognised the importance of future prospects if both Chanda Sahib and Muzzafar Jung were helped. It was not difficult to arrive at the advantages to be secured from the new move. Agreement was entered into and Muzzafar Jung and Chanda Sahib, helped by the French, defeated Anwar-ud-Din in August 1749 in the battle of Amber. Anwar-ud-Din was killed and his son Mohammad Ali took refuge in the fort of Trichinopoly. Chanda Sahib was able to establish his control over the rest of Carnatic. The siege of Pondicherry was not pressed vigorously. He wasted a lot of time in dealing with the Raja of Tanjore.

If the French had helped Muzzafar Jung and Chanda Sahib, the English helped Nasir Jung. Nasir Jung took the field in 1750. Muzzafar Jung was defeated, captured and imprisoned. However, there was a change of fortune. Nasir Jung was deserted by his troops and wes captured and put to death. At this time, Muzzafar Jung gave £50,000 to the Company. He also gave Dupleix a Jagir worth £10,000 a year. Chanda Sahib was recognized as the Nawab of Arcot. When Muzzafar Jung was killed in January 1751, Salabat Jung was put on the throne by Bussy.

Within a few months, Bussy was able to set the forces of Salabat Jung on a sound footing by a strict discipline and incessant vigilance. He was able to train a large number of troops and paid them well and punctually. His discipline was so strict that even Salabat Jung began to tremble before him. The intrigues of the officials of the State were put an end to. For his own expenses, Bussy got possession of some districts which came to be known as the Northern Circars. Those were entirely managed by the French.

The English Company refused to accept the new situation. Governor Saunders was the leader of those who were opposed to change. Clive appeared on the scene and occupied Arcot. All efforts to dislodge him from Arcot failed. Even when Chanda Sahib sent half of his army under his own son to relieve Arcot, there was no better success than before[1]. As half the army of Chanda Sahib was sent away from Trichinopoly to Arcot, the siege of Trichinopoly had to be given up. Chanda Sahib was himself defeated and killed. The whole of the Carnatic fell into the hands of the English.

Dupleix tried to recover his position, but could not. Victory after victory was won by the English against the French. A conference was held between the English and French Commissioners. However, it failed in its objective. Soon after the conference, the war restarted. Before much could be done, Dupleix was recalled in 1754, and he died in 1764.

(*Contd. from page 20*)
as a prisoner for seven years. The first three years he spent in Berar. In 1744, he was taken to Satara. The Marathas demanded lakhs of rupees for his release. He tried to make friends with the Peshwas but failed. In 1748, he escaped from Satara and was successful in raising an army.

1. "Clive's capture of Arcot proved to be the turning point in the contest between the French and the English."

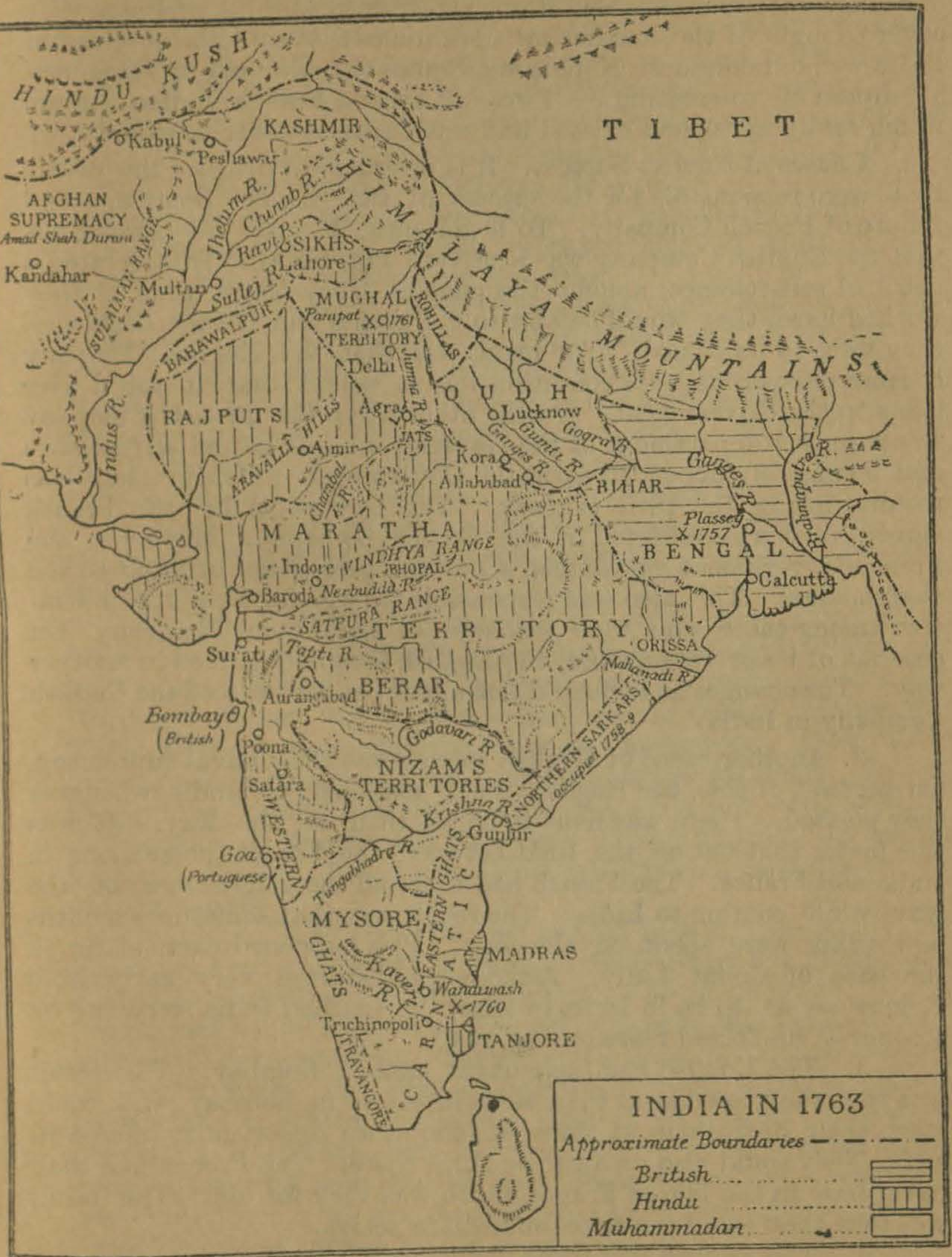
Dupleix was succeeded by Godeheu. The latter arranged terms of peace with the English. By the new treaty, both the nations agreed not to interfere in the internal affairs of the Indian States. Both the French and the English retained their old positions. However, the English got a town in Northern Circar. Bussy remained in the Deccan and continued to exercise his influence. It has been pointed out that by the treaty of 1755, Godeheu sacrificed everything for which Dupleix had fought. According to Dupleix himself, Godeheu "had signed the ruin of the country and the dishonour of the nation." The French agreed to give away all that they had captured so far. Whether the treaty was wise or not, one thing is certain. It made the English stronger. It also gave them much needed rest before embarking upon the Third Carnatic War.

Third Carnatic War (1756-1763). The peace between the French and the English Companies in India was a short-lived one. The Seven Years' War started in Europe in 1756 and before long the two nations started fighting in India also The French Government sent Count Lally as the Governor and Commander-in-Chief With great difficulty, Lally reached India on account of the naval supremacy of the English. He had some success at the start. He was able to capture Fort St. David. He recalled Bussy from the Deccan. This was a mistake on his part. As soon as Bussy left, the French influence ended. Salabat Jung went over to the English and gave them Northern Circars. Lally tried to get Madras but failed. He was forced to retire to Pondicherry and was defeated by Sir Eyre Coote in the battle of Wandiwash in January 1760. It was a decisive battle. It sealed the fate of the French. Bussy was taken prisoner. Karaikal fell in April 1760. Lally surrendered at Pondicherry in January 1761. In April 1761, Jinji was captured. The French had lost practically everything. After the peace of Paris, there was an exchange of prisoners of war. Lally was returned to France but he was condemned and executed.[1] The peace of Paris (1763) restored the French settlements to them but the French were not allowed to fortify them. It is true that in the time of Lord Wellesley, the French gave some trouble to the English, but it cannot be denied that the three Carnatic wars completely destroyed their chances of founding a French empire in India.

According to Furber, "From many points of view it was a misfortune for France ever to have striven for political power and

1. It has rightly been pointed out that the "possession of the military and financial resources of Bengal gave the English a decisive advantage over Lally. From this secure base they could send a constant supply of men and money to Madras, and create a diversion in its favour by attacking the French in the Northern Circars. Although it was not fully recognised at the time, the position of the English in Bengal made the struggle of the French a hopeless one from the very beginning of the Third Carnatic War. The Battle of Plassey may be truly said to have decided the fate of the French in India...In spite of Lally's undoubted failings and shortcomings, it is only fair to remember that the difficulties confronting him were really insurmountable, and that the French had no real chance of success against the English even under the best of leaders. There is a large element of truth in the remark of a historian, that "neither Alexander the Great nor Napoleon could have won the empire of India by starting from Pondicherry as a base and contending with the power which held Bengal and command of the sea."

prestige in India after the days of Dupleix. This story of Anglo-French relations in Indian affairs after 1783 reveals the existence of



'rivets' of British power unappreciated and largely unknown to the great majority of Englishmen and Frenchmen. Utterly unable to carry on an East India trade without British assistance, completely powerless to reassert political dominance and military prestige with the resources she could then muster, France's only opportunity in India lay in turning Britain's increasing responsibilities in India to her own advantage. Bourdieu, with his advice to make 'golden' voyages during Britain's war with Tipu, had a truer grasp of realities than Vergennes. War and revolution intervened to make any fulfil-

ment of Bourdieu's plans impossible. When the 'domestic situation' in France once more enabled French statesmen to think of India, they never thought of the commercial advantages that could be obtained in India without conquest. Napoleonic France thought only of Vergennes' old dream of re-creating by force of arms a French Indian empire which really never had existed and was destined never to exist."

Causes of English Success. It is desirable to discuss the causes that were responsible for the success of the English Company and failure of French Company. To begin with, it may be pointed out that the English Company was a private enterprise. This created a spirit of self-reliance among the people. They knew that if they worked hard, they would be able to get profits and if they slackened, they were to be ruined. The result was that the English Company became prosperous. Its condition was so sound that it could give loans to the Government. On the other hand, the French Company was merely a department of the Government. It lacked self-reliance and completely depended upon the Government which in itself was rotten during the 18th century. The corruption in the French Government was reflected in the French Company. Moreover, the French Government guaranteed a certain percentage of profit to the shareholders. This also was responsible for the destruction of initiative among those who were incharge of the French Company. On account of its private nature, the English Company gained in another way. The changes at home did not affect the fortunes of the English Company in India.

2. Another cause of English success was their naval supremacy. On account of this, the English could send help to India whenever they pleased. There was none to check them on the way. It was this factor that out off the link between the French possessions in India and France. The French had to avoid the Englishmen on the way while coming to India. The result was that sometimes months and years were spent on the way. This happened particularly in the case of Count Lally. Although he started very early from France so as to be in India in time, he reached India very late on account of his forced halts on the way.

3. The English had their naval base in Bombay. The result was that they could keep their ships in safety in Bombay and could start their operations at once as soon as an opportunity offered itself. They could also repair their ships there. The French had their naval base in the Isle of France which was very far off. The result was that they could not take immediate action.

4. The English had three important places in India, *viz.*, Calcutta, Madras and Bombay. The result was that even if one of these places was conquered by the enemy, the other two remained. Even if two places were conquered by the enemy at one time, one place always remained with the English because the three places were far off from one another. All of them could not be conquered at one time. The French had only one important station in India and that was Pondicherry. The other places like Mahi and Chandranagar could be conquered at any time and were always at the mercy of the English The result was that with the fall of Pondicherry, the French lost their all.

5. The French entered India from the wrong quarter. The Deccan was not fertile. It was absolutely unproductive The result was that the military conquest of the Deccan by the French did not compensate them. Their enterprise was a failure. On the other hand, the English entered India from the right quarter. They started from Bengal. It had a very productive soil. There was a lot of gold with the people and consequently the English got a lot of money after the conquest. Moreover, through the Ganges River, the English could penetrate into the interior of the country from Bengal. In the absence of good roads, the rivers provided an easy means of communication and transport at that time.

6. Another mistake of the French was that they subordinated the commercial interests to territorial ambitions. This made the French Company poor. All their money was wasted on wars. As the French Government at home was busy in Europe and America, it was not in a position to support the ambitious schemes of Dupleix. On the other hand, the English always kept their eye on the sea and never neglected their commerce. The despatches from the Directors of the English Company always emphasised the importance of increasing trade. It is this fact that made the English Company prosperous and rich.

7. The English were fortunate in having many great men on their side. Lord Clive was more than a match for Dupleix. Lawrence was another. Sir Eyre Coote was still another. Neither Count Lally nor Bussy was a match for Sir Eyre Coote. Moreover the French Officers often quarrelled among themselves. They did not work in co-operation. This brought disaster for them. It is well-known that Dupleix and La Bourdonnais could not work together on the question of Madras, and the latter left the former. On the other hand, the English always helped one another and that was the secret of their success.

8. The French Government at that time was absolutely rotten. It did not even appreciate the service rendered by the French officers in India. Consequently, there was no encouragement. It is well-known that while Lally was hanged, Dupleix was prosecuted and ultimately died penniless. On the other hand, in spite of the defects in their officers, the British Government praised them. It is well-known that in spite of criticism of Lord Clive, a resolution was passed ultimately describing him as the founder of the British empire in India. The same was the case with Warren Hastings. Although he was impeached, he was honourably acquitted and later on was accorded all the respect by his countrymen.

9. According to Dr. V. A. Smith, "Neither Bussy nor Dupleix singly, nor both combined had a chance of success against the government which controlled the sea-route and the resources of the Gangetic valley. It is futile to lay stress upon the personal frailties of Dupleix, Lally or lesser men in order to explain the French failure. Neither Alexander the Great nor Napoleon could have won the empire of India by starting from Pondicherry as a base and contending with the power which held Bengal and command of the sea."

10. According to Alfred Lyall, "The two primary conditions of success whether commercial or military in India were the establish-

ment of strong points on the coasts, and the maintenance of a naval force that could keep open communications with Europe. The English had gained the preponderance at sea, while the French had now lost their footing on land. The causes of their failure are to be found not in the ill-luck or incapacity of individuals (for that might have been repaired) but in the wide combination of circumstances that decided against French her great contest with England at that period."

According to Dodwell, "The main cause of the English success lay in the supremacy which the English squadron established at sea, permitting them to receive men, money and provisions from Bengal and England, enabling them to transport, and cover the operations of, their forces, and depriving the French of their supplies. This placed Lally at a grievous disadvantage and the elusive authority which Dupleix had seized vanished at the first touch of that naval power which had not been applicable when he was projecting his schemes. Then, too, while Bussy's exploits had not contributed a man or a rupee to French aid, the English in Bengal were able at a critical time to send down both troops and money. Lastly, Lally himself was hampered by personal defects and confronted by an impossible task. As a leader he was hasty, inconsiderate, violent. He expected others to attend to the details of supplies, and never reflected on the hindrances with might be caused by the councillors whom he abused. Moreover, no man could at once conduct a war against the English and reform the Pondicherry methods of administration. The knowledge that he was charged with the latter duty made every servant of the Company desire to see him return to Europe discredited by defeat." (*The Cambridge Shorter History of India*, p. 334).

ESTIMATE OF DUPLEIX

Undoubtedly, Dupleix was one of the greatest of the Frenchmen who were sent to India by the French Company. It was he who dreamt the dream of founding a French empire in India. He critically analysed the political condition in India and came to the conclusion that by helping one State against the other, the French could add to their resources and ultimately set up an empire of their own in the country. It has already been pointed out that to begin with, he did very well. He was able to put Chanda Sahib on the Carnatic throne. He was also able to put Muzzafar Jung on the Deccan throne. When Muzzafar Jung died, he was able to put Salabat Jung in his place. He got the Northern Circars from Salabat Jung. Bussy was stationed with Salabat Jung. It appeared that the French influence in



Dupleix

South India was to be supreme. However, things changed. Clive appeared on the scene and captured Arcot. Chanda Sahib failed to carry out the instructions of Dupleix and wasted his time in Tanjore while he should have finished the opposition of Mohammed Ali in Trichinopoly at once. The delay on the part of Chanda Sahib gave the English time to prepare. The result was that ultimately Chanda Sahib was defeated and the plans of Dupleix miscarried.

It is true that Dupleix was as good a diplomat as Clive, but Clive was also a great soldier which Dupleix was not. The result was that Dupleix was no match for Clive. No wonder, while Dupleix failed, Clive succeeded.

It cannot be denied that Dupleix was handicapped throughout by lack of funds and an inadequate supply of soldiers. If he had enough of money, he could have recruited a large number of soldiers from the Indians, but the paucity of funds did not allow him to do so. It was impossible for anybody to fight with those soldiers whose salaries had been promised but not paid. The result was that the schemes of Dupleix could not be carried out.

Critics point out that the masters of Dupleix looked more to dividends and not to the prospects of a future French empire in India. It is true that Dupleix was also partly to blame because he did not unfold his plans and their prospects to the Home Government, but even when he did so, nobody felt enthusiastic about them. The only result was that he was called back.

Dupleix will always remain a tragic figure in history. He was let down both by his fortune and by his countrymen. He rightly pointed out that *"he had sacrificed his youth, his fortune and his life."* He had spent money out of his own pocket to finance the wars.

According to Elphinstone, "Dupleix was the first who made an extensive use of disciplined sepoys, the first who quitted the ports on the sea and marched an army into the heart of the continent, the first, above all, who discovered the illusion of the Mughal greatness and turned to his own purpose, the awe with which weaker minds still regarded that gigantic phantom."

According to Henri Martin, "The genius of a Richelieu had matured in a Factory. Dupleix was the first to realise the inevitable result of the contact between the static societies of the East and the progressive societies of Europe...; he had seen Asia, like America and like the whole world, destined to submit to the law of the European races....Dupleix judged India destined to be couquered, not by other Asians, like those who had ravaged her before, but by Europeans ; among the European powers, Portugal had fallen and Holland was declining ; there remained only France and England. Dupleix was determined to give India to France...His plan was as much prudent in respect of means as audacious in respect of the final objective." For the failure of Dupleix to achieve this ambitious project, Martin put the entire blame on the French Government and the Company. "Asia would have been ours if, with Dupleix and Bussy

in India, we could still have Louis XIV and Colbert at Versailles, or if we could have only Law. But in place of Louis XIV and Colbert, we had Louis XV and Madame de Pompadour and the inept merchants who directed the Company of the Indies." Again, "There is not a single instance in modern history of a nation being betrayed to this extent by its own Government."

On the other hand, Alfred Martineau asserts that Dupleix did not start with any conception of empire-building, that he was gradually driven to it by circumstances he had not foreseen earlier, and that the failure of his project was due at least as much to his own wrong moves and miscalculations as to the indifference of the home government. To quote Martineau, "If the psychologist could penetrate with certainty into the thoughts of statesmen, there would be little, very little indeed, in their actions, which would appear to him inspired by high ideas, particularly by foresight and plans for the future. Chance and self-interest guide them more than one would like generally to confess. Dupleix did not escape this common law. Coming to India with the sole object of making money, he was led uexpectedly by the course of events and by a sort of financial necesity to a policy of territorial expansion which he had not foreseen earlier, and even the vaguest idea of which he did not form for the first time till twenty-seven years after his arrival in the peninsula". Analysing the motive which prompted Dupleix to conceive the idea of a colonial empire, Martineau says, "Constantly embarrassed in his trading operations by the delay or insufficiency of funds coming from France, he came slowey to the idea that the only means to get rid of such embarrassments was to find money in India, without waiting for funds from Europe and without having to seek the assistance of bankers. That made it necessary to have a fixed territorial revenue, the collection of which could be assured only by the exercise of a political power. Thus was first conceived and later developed more fully in the mind of Dupleix the idea of creating for our advantage a sort of colonial empire in India where we would be practically the masters under the authority, more nominal than real, of Indian princes, who would owe their thrones or their security to us. But this idea, which was to change the face of Indiaand in a certain measure that of the world, was not in his mind at ony time before the year 1749 or perhaps before 1750." Discussing the causes of the failure of Dupleix, Martineau has emphasised the wrong judgment and blind obstinacy of Dupleix himself. "No doubt, at the beginning, the error was legitimate; but in the later stage, when came an unending series of misfortunes and disillusions, it became evident that the substance was being sacrificed for the shadow. The blirdness or the obstinacy of Dupleix was the principal cause of his fall."

"Dupleix is a striking and brilliant figure in Indian history. His political conceptions were daring and imaginative, and he aroused a dread in his English contemporaries which is at once a tribute to his personal power and testimony to their sagacity" "Like all able men, he loved power both from policy and inclination, was not averse to a certain theatrical pomp and display." "It is my opinion that there never can be peace in the province while Dupleix stays in

India. He neither values men nor money, nor anything but what can gratify his own ambition. The continued ill-success of his troops would have made anybody but him reflect and be glad of the terms offered ; but he talks not like the Governor of Pondicherry but as Prince of the Province". (Major Lawrence in 1754).

According to Malleson, Dupleix was a great administrator and diplomat with a wonderful capacity for organisation and great persistence and tenacity of purpose.

According to Roberts, "Dupleix is a striking and brilliant figure in Indian history. For even if we give up the old uncritical estimate, we need not deny his real claims to greatness. His political conceptions were daring and imaginative. He raised the prestige of France in the East for some years to an amazing height, he won a reputation among Indian princes and leaders that has never been surpassed, and he aroused a dread in his English contemporaries which is at once a tribute to his personal power and a testimony to their sagacity." (*British India*, pp. 118-9).

According to Dodwell, "The policy of Dupleix indeed lacked the elements of permanent success, and could never have survived a European war. Had he never been recalled, Coote or some other English leaders would nonetheless have besieged, captured, and ruined Pondicherry. The indispensable condition of political expansion in the East lay in the eighteenth century, as it had lain in the sixteenth and seventeenth, in predominance at sea. But this condition, as events were to prove, was not possessed by France. Dupleix's success was only obtained under temporary conditions of a most favourable nature. He launched his campaign after the War of the Austrian Succession. The most powerful weapon of the English, their naval power, was for the moment out of action. They could not pursue, intercept, or destroy the vessels which carried to Pondicherry recruits and munitions. Without this advantage it is unlikely that Dupleix would have obtained as high a degree of success as he in fact secured." (*The Cambridge Shorter History of India*, p. 427).

It is usually contended that in conquering India, the English had to follow the path which the genius of French had opened out to her. While summarising the causes of British success, James Mill pointed out that the two important discoveries for conquering India were the weakness of the native armies against European discipline and the facility of imparting that discipline to natives in the service of the Europeans and "both these discoveries were made by the French." Many writers have maintained that the failure of Dupleix was due to the ineffective co-operation on the part of the French naval officers, the want of good military commanders, bad luck at critical moments of the campaign and the faint-heartedness of the French Ministry.

Sir Alfred Lyall admitted that Dupleix was a man of genius and political vision who strove gallantly against all those obstacles. But he also pointed out that the English had in Clive and Lawrence commanders superior to any of the French military officers with

Dupleix, except Bussy. Bussy was a very able man but he was intent much more upon building up his own fortunes as a military dictator at Hyderabad than on sharing the unprofitable hard-hitting struggle between the English and French commanders in the Carnatic. When misfortune overtook Dupleix and Lally, he behaved ungenerously to both of them. Alfred agreed with Elphinstone that Dupleix was "the first who made an extensive use of disciplined sepoys; the first who quitted the ports on the sea and marched an army into the heart of the continent; the first, above all, who discovered the illusion of the Mughal greatness", but he maintained that Dupleix could not be ranked as an origintal discoverer in Asiatic warfare and politics. The weakness of all oriental States and armies had long been known. India had not shown the capacity to resist foreign invasions. The only soldiers upon which the princes of Southern India could rely were commonly mercenaries from the North. The view of Bernier was that a division of Turenne's men would have made short work of the whole of the Mughal army. It was a common knowledge with the European military men of that time that the loose levies of the Carnatic could be scattered by a few well-armed and disciplined battalions. There was no great novelty in the introduction by the French of the practice of drilling a few native regiments for their own service. The Mughal army had always contained some European officers and the same was the case which the Marathas.

Alfred was prepared to give due credit to Dupleix for having first started on the right road towards European conquest with energy, ability and patriotism, but he was not prepared to concede that but for the blindness of the French Government towards the ideas of Dupxile, the blunders of his colleagues or subordinates and the final disavowal of Dupleix himself, France might have supplanted England in India. Such a view, he pointed out, betrayed an incomplete survey of the whole situation. The extensive political changes did not hang on the event of a small battle or the behaviour at some critical moment of a provincial general or governor. That cannot be attributed to one cause but was due to many factors.

In spite of the above views, Alfred Lyall paid the following tribute to Dupleix : "Dupleix was a man of original and energetic political instincts, of an imperious and morally intrepid disposition who embarked upon wide and somewhat audacious schemes of oriental dominion, and lost the stakes for which he played more through want of strength and continuous support than want of skill. He saw that so long as an European Company held their possessions or carried on trade at the pleasure of capricious and ephemeral Indian governments, the position was in the highest degree precarious. The right method, he argued, was to assert independence, to strike in for mastery, and to strike down any European rival who crossed his path; and if the English had not been too strong for him he might have succeeded. He made the commonplace mistake of affecting ostentatious display and resorting to astute intrigues in his dealings with the Indians; whereas a European should meet oriental not with their weapons, but with his own. His claim to be recognized as Nawab of the Carnatic, under patents of doubtful

authenticity was a grave political blunder, since it was quite impossible for the Engligh to acquiesce in a position that would have placed their settlements in perpetual jeopardy." Again, "We may regard him, nevertheless, as the most striking figure in the short Indian episode of that long and arduous contest for transmarine dominion which was fought out between France and England in the eighteenth century, although it was far beyond his power to influence the ultimate destiny of either nation in India, and although the result of his plans was that 'we accomplished for ourselves against the French exactly everything that the French intended to accomplish for themselves against us.' It is certain, moreover, that the conception of an Indian empire had already been formed by others beside Dupleix, and that more than one clear-headed observer had perceived how easily the whole country might be subdued by an European power."

Suggested Readings.

CAMBRIDGE, R. O.	: *Account of the War in India* (1761)
CULTRU	: *Dupleix* (1901)
DODWELL, H. H.	: *Dupleix & Clive* (1920).
JOUVEAU-DUBREUIL	: *Dupleix* (1941).
LAWRENCE	: *Narrative of Anglo-French Conflicts.*
MALLESON, G. B.	: *Final French Struggles in India and in the Indian Seas.*
MALLESON, G. B.	: *History of the French in India.*
MUKHERJEE, RAMA KRISHNA	: *The Rise and Fall of the East India Company·*
SEN, S. P.	: *The French in India (1763-1816).*
THOMPSON, VIRGINIA	: *Dupleix and His Letters* (1933).

CHAPTER IV

THE ENGLISH IN BENGAL FROM 1757 TO 1772

After the death of Aurangzeb, the Mughal empire began to disintegrate and various parts of the empire became independent under different heads. In the case of Bengal, Ali Vardi Khan made himself independent[1]. He was possessed of a lot of resourcefulness and uncommon ability. The Marathas gave him a lot of trouble but ultimately he made peace with them by handing over to them the province of Orissa. He also promised to pay a sum of Rs. 12 lacs a year as Chauth. He maintained friendly relations with the Englishmen. However, he did not allow them to fortify their settlements. He continued to rule up to 1756.

After the death of Ali Vardi Khan, his grandson called Siraj-ud-Daula became the Nawab of Bengal. He was a young man of hardly 24. He was not only self-willed but also self-indulgent. Soon after his succession to the throne, the young Nawab came into confict with the English in Bengal. There were many causes for this rupture. In anticipation of the breaking out of the Seven Years' War, the English in Bengal began to fortify their settlements. As they did so without the permission of the Nawab, the latter ordered them to demolish the same. However, the English refused to do so and this provided a ground of complaint to the Nawab. Moreover, the English took up the cause of Shaukat Jang who was a rival of Siraj-ud Daula. The English also gave shelter to a rich merchant of Bengal and refused to hand him over to the Nawab even when the latter made a demand to that effect. It was also found that the Englishmen were abusing the trade privileges which were given to them by the Government.

"Black-hole " The result of all this was that Siraj ud-Daula captured the English factory at Kasim Bazar and also took possession of the city of Calcutta. One hundred and forty-six persons including one woman were captured and shut up in a very small room at night. The heat was so great and the space was so small that 123 of them were suffocated to death. Only 23 survived and one of them was Holwell. This incident is known as the Black-hole Tragedy.

There has been a lot of controversy as to whether the Blackhole tragedy was a reality or a myth. It is maintained by some his-

1. Ali Vardi Khan was a Turk who had come to India and accepted service in Bengal in 1726. He was clever in the art of war and displomacy. He was calculating in his manoeuvres. He soon rose to the position of a principal military officer of Bengal and secured for himself the Government of Bihar. He earned the good opinion of the Delhi Durbar by his work and was given the title of Mahabat Jung. He took advantage of the weaknesses of the Mughal Government and marched from Patna upon Murshidabad. A battle was fought in 1740 in which Ali Vardi Khan was successful. Thus he became the Nawab of Bengal in 1740. After taking possession of the accumulated wealth at the capital, he paid two crores of rupees to the Mughal emperor and got from him the confirmation of his appointment.

torians that the so-called Black-hole tragedy never took place. It is pointed out that it is physically impossible to shut up 146 persons in a room which is only 22 ft. long and 14 ft. wide. Moreover, the contemporary Muslim accounts such as Seir Mutaqhrein and Riyas-us-Salatin do not mention this incident at all. It is pointed out that the story of the Black-hole tragedy was invented merely for the purpose of arousing the indignation of the Englishmen in India and that purpose was amply served. Holwell is the only person who makes a mention of this tragedy and he is hardly reliable. Probably, he did so for the purpose of getting promotion.

Whatever the truth, when the news of the Black-hole tragedy reached Madras, the Englishmen were indignant. At once Admiral Watson and Clive were sent to Bengal to have revenge for the Black-hole tragedy. They were able to capture Calcutta without much difficulty. Siraj-ud-Daula attacked Calcutta and there was an indecisive battle. However, peace was restored and the Nawab restored the privileges of the English Company. The latter were also allowed to fortify Calcutta. As the Seven Years' War had broken out, the English captured Chandranagar from the French.



Admiral Watson.

Although outwardly Clive had made peace with Siraj-ud-Daula, he was determined to have revenge for the Black-hole tragedy. He hatched a conspiracy against the Nawab. Rai Durlab, the Treasurer of the Nawab, Mir Jafar, the Commander-in-Chief of the Nawab's forces, and Jagat Seth, the richest banker of Bengal, were induced to revolt against the Nawab. The details of the conspiracy were settled through Amin Chand. It was decided that Clive was to march at once to Plassey. Mir Jafar was to desert the Nawab and join Clive with all the forces under his command. The Nawab was to be deposed and Mir Jafar was to be put in his place.

However, when all the details were settled, Amin Chand threatened to divulge the whole conspiracy unless he was paid a sum of Rs. 30 lacs. He also wanted that amount to be entered into the treaty. When Clive came to know of this demand, he made up his mind to deal with Amin Chand in the way he deserved. He got two copies of the treaty prepared. One was on white paper and the other was on red paper. In the treaty on the white paper there was no mention of the payment of Rs. 30 lacs to Amin Chand. The treaty on the red paper provided for that amount. When Clive asked Admiral Watson to sign the false treaty, he refused. The result was that Clive himself forged the signatures of Watson on the false

treaty. This action of Clive has been universally condemned but he defended it on the ground of expediency.

Battle of Plassey. When everything was ready, Clive wrote a letter to Nawab Siraj-ud-Daula complaining of the grievances of the Englishmen in Bengal. He marched towards Plassey at the head of his army. To begin with, the situation seemed to be very serious for Clive. He was advised not to fight. However, he made up his mind to give battle to the enemy. His artillery created confusion in the ranks of the enemy. At this time, Mir Jafar joined Clive As soon as this happened, the battle was over. Clive got a cheap and decisive victory. Siraj-ud-Daula ran away to Murshidabad and from there to Patna. However, he was captured and put to death by Miran, the son of Mir Jafar.

The result of the battle of Plassey was that Mir Jafar was put on the throne of Bengal. He gave 24 Parganas and one crore of rupees to the Company. He also gave presents to other English officers of the Company. The share of Clive was £334,000.

According to Admiral Watson, the battle of Plassey was of "extraordinary importance not only to the Company but to British nation in general." The importance of the battle to the English has been described in these words by a contemporary : "Many of those who would have totally lost the fruits of long labour and various hardships, and who must have been beggars if subject to any other power, are again easy in their fortunes, and some of them have already transported their effects to their native country ; the proper return for the assistance they derived from her maternal affection ; and as these events have distinguished the present age and present administration, so their effects will probably be felt in succeeding times. The Company, by an accession of territory, has an opportunity of making an ample settlement ; which under proper management, may not only be extremely serviceable to her, but also to the nation ; and having a revenue from these lands, the mint at Calcutta, and the lease of saltpetre at Patna, which amounts on the whole to one hundred thousand pounds a year, there is a provision against future dangers upon the spot, and without further expense."

The defeat and humiliation of the Governor of an Indian Province by the English Company added to its prestige and strength. Moreover, the battle of Plassey demonstrated the utterly corrupt political life in Bengal. It also shows that the Hindus were absolutely dissatisfied with the Muslim rule in the province and were prepared to make common cause with anybody who may be able to end the Muslim rule. However, when all has been said, it cannot be maintained that the battle of Plassy firmly established the British power in India or in Bengal. The British had still to fight for another 50 years or more to secure that position.

Mir Jafar (1757-1760). Mir Jafar was the Nawab of Bengal from 1757 to 1760. He was neither brilliant nor active. He had not the capacity to carry on the administration of the province with his own hands. Throughout this period, he was merely a figurehead

and the real power was in the hands of Clive. Moreover, he was surrounded on all sides by difficulties. He had no money in the treasury. When he ascended the throne, he had not enough even to meet his previous commitments. As a matter of fact, the English Company had to agree that one-half of the amount should be paid by 31st of October 1757 and the "remainder to be paid within the compass of three years by equal payments every six months." At first, the Company received Rs. 72,71,660. On 9th August 1757, Rs. 16,55,358 more were received. On 30th August 1757, gold, jewels and cash amounting to Rs. 15,99,737 were received by the Company. The other members of the Calcutta Council got huge amounts. The result of all this was that Mir Jafar was worried by the problem of finance. He had no money even to pay the soldiers and some of them mutinied. The English Company also pressed him for the payment of the instalments but he expressed his inability to do so.

Mir Jafar made a mistake in trying to crush such Hindu officers as Durlabhrai and Ramnarain. This led to a lot of discontentment in the country. Through the efforts of Clive, a conciliation was brought about between Mir Jafar on the one hand and Durlabhrai and Raja Ramnarain on the other.

Mir Jafar had to meet the danger from the Dutch. The real cause of the Dutch trouble was their jealousy of the British influence in Bengal. Although they had remained neutral when the English and the Nawab fought, they were feeling worried about their own future in the province. "The Dutch were in fact in the same position in Bengal now, as the English would have been in South India, had Saunders done nothing to counteract the schemes of Dupleix. Bisdom and Vernet, the Dutch leaders, have therefore the same justification for attempting to overthrow the English supremacy as Saunders and Clive have for contesting that of the French in the South."

In 1759, six or seven Dutch vessels with 300 European and 600 Malayan soldiers appeared in the Ganges. The English also got ready to meet them. The Dutch were defeated at Bidderra by Colonel Forde. The Dutch fleet was also defeated and captured. They made peace with the English. They acknowledged themselves as the aggressors and agreed to pay costs and damages. At this stage, Miran, the son of Mir Jafar, also appeared on the scene. He was indignant against the Dutch. However, he "received their deputies; and after severe altercation, forgave them and promised ample protection in their trade and privileges on the following terms that they shall never initiate war, introduce or enlist troops, or raise fortifications in the country; that they shall be allowed to keep up one hundred and twenty-five European soldiers, and no more, for the service of their factories of Chinsura, Kasimbazar and Patna; that they shall forthwith send their ships and remaining troops out of the country; and that a breach of any one of these articles shall be punished with utter expulsion."

After the battle of Bidderra, the Dutch were not able to make

any headway in India. Their existence in India was absolutely dependent on the goodwill of the English.

Invasion of Ali Gohour. Ali Gohour was the eldest son of the Mughal emperor, Alamgir. He revolted against his father and invaded Bihar. He was assisted by Mohammad Quli Khan, the first cousin of Shuja-ud-Daula of Oudh and the Subedar of Allahabad. Ali Gohour advanced up to Patna and besieged the same. However, he was defeated by Clive. For this help, Clive got from Mir Jafar the revenues of the land south of Calcutta. This came to be known as Clive's Jagir. In 1760, Ali Gohour who had become Emperor Shah Alam, attacked again but was defeated. According to Sarkar, "All of his hopes of independence crushed, and in utter penury and lack of supporters, the sovereign of the Delhi empire now sued for the mercy of the English."



Emperor Shah Alam.

According to P. E. Roberts, "A *comparison of the position in 1756 with that in 1760* reveals beyond all possibility of cavil the magnitude of his achievement. In 1756 the British in Bengal, though the most prosperous European community in that province of the empire, were r-garded merely as a body of merchants with one rich settlement, a few territorial rights in the villages round Calcutta, and some up-country agencies or factories at Kasimbazar, Dacca, Balasore, Jagdea, and Patna. Though shrewd observers, such as Bernier the French physician at the end of the seventeenth century, and Colonel Mill about ten years before Plassey, had seen and recorded their opinions that Indian armies would be helpless before trained European troops, the British had never yet dreamt of challenging the power of the Nawab of Bengal. They had submitted with occasional protests to Ali Wardi Khan's strict and irksome control. It was necessary to keep on good terms with him, for the up-country factories were quite unfortified, and it was the practice of the Nawabs in any serious dispute to blockade them and stop all trade till submission was made. By 1760 the position was entirely altered. The British were supreme in Bengal. The French and Dutch were impoverished and reduced ; their military and political power was gone. The titular Nawab of the province was little more than the creature and protege of the Company. British influence extended outwards from Calcutta through Bengal and Bihar to the southern boundary of Oudh. The

possession of this rich country also completely altered the English position in Madras. This tremendous change was almost entirely the work of Clive. He was throughout the moving spirit. The more closely the contemporary records are examined, the more clearly his immense energy, masterful will, and dominating influence over his colleagues stand out."

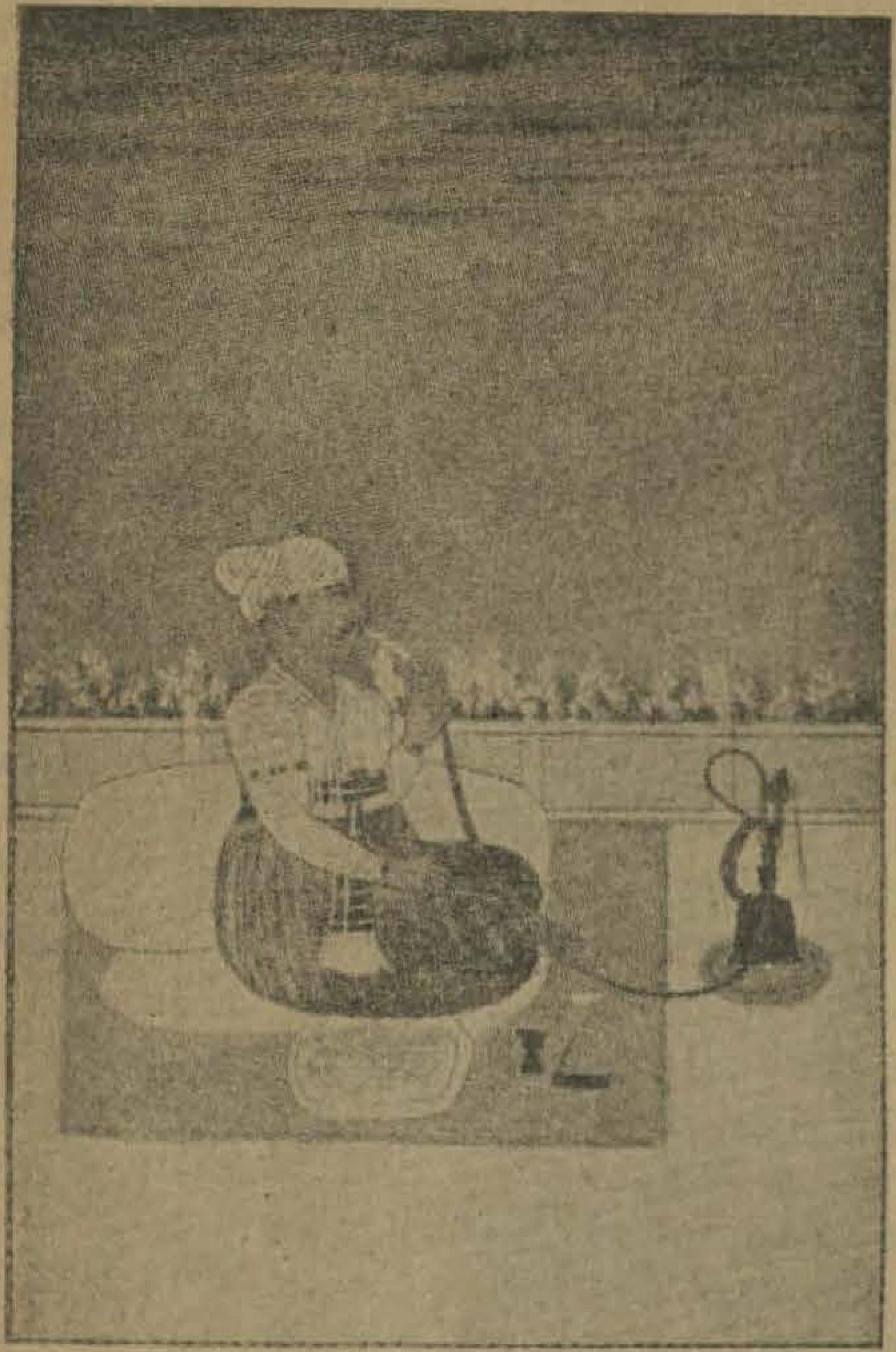
Deposition of Mir Jafar. There were many causes which were responsible for the deposition of Mir Jafar in 1760. His treasury was empty and he had no money to pay either to the Company in the form of instalments or bribes to the servants of the Company. The servants of the Company also thought that if there was a change of Government in Bengal, there was every likelihood of their getting presents or bribes from the new successor. The invasions of Ali Gohour and the Dutch had also cost Mir Jafar a lot of money. When the Marathas attacked Bengal, he had again to ask for the English help. However, every intervention on the part of the English Company "made the control of the Company over Bengal more unmistakable and the restraining of its servants more difficult ; while the burden of maintaining these troops formed a heavy drain on the Company's resources and Mir Jafar, whose treasury was exhausted, could not defray those charges."

The situation in Bengal became desperate after the death of Miran, the son of Mir Jafar. Mir Kasim, the son-in-law of Mir Jafar, began to aspire to be the Nawab of Bengal. He had already given proof of his intelligence as the Faujdar of Rangpur and Purniah. He was able to win over the Calcutta Council. He entered into a treaty with the English Company in September 1760. By this treaty, be agreed to give to the English Company the three districts of Burdwan, Midnapore and Chittagong. He also agreed to pay immediately the arrears of money due from Mir Jafar to the English Company. He also promised to pay Rs. 5 lacs towards the Carnatic wars. He agreed to pay £50,000 to Vansittart, £27,000 to Holwell and £25,000 to the other members of the Calcutta Council.

When all this was settled between the Calcutta Council and Mir Kasim, Vansittart went to Murshidabad to secure the consent of Mir Jafar. The latter strongly objected to the new arrangement. However, he found that his objections were of no avail. He declared, "His life would not be worth a day's purchase once Mir Kasim had been recognised and he would rather retire to Calcutta than continue to be the Nawab on such terms." Mir Jafar left the throne and went away to Calcutta. There he began to live as a pensioner of Mir Kasim. It cannot be denied that the deposition of Mir Jafar was "in breach of a treaty founded on the most solemn oaths." The members of the Calcutta Council deserve all the condemnation. They were bound to support him by "the most solemn ties." His deposition was "an indelible stain upon our national character." Perhaps, Mir Jafar deserved this fate. He himself had betrayed his master in 1757.

Mir Kasim (1760-63). It is admitted on all hands that Mir Kasim was the most efficient of all the Nawabs of Bengal from 1756 onwards. He had given a proof of his administrative ability as a

Faujdar. He was the man who could win over people by his personality. His contemporaries have praised his qualities of head and heart.



Mir Kasim.

According to Vansittart, "he discharged the Company's debt and the heavy arrears of his army, retrenched the expenses of his court which had consumed the income of his predecessors and secured his own authority over the country by reducing the power of the zamindars who were before continual disturbers of the peace of the province." Ghulam Hussain has paid a tribute to Mir Kasim in these words: "In unravelling the intricacies of affairs of government and especially the knotty mysteries of finance ; in examining and determining private differences ; in establishing regular payment for his troops and for his household ; in honouring and rewarding men of merit and men of learning, in conducting his expenditure exactly between the extremities of parsimony and prodigality ; and in knowing intuitively where he must spend freely and where with moderation,—in all these qualifications, he was an incomparable man indeed and the most extraordinary prince of his age."

Mir Kasim made a very good beginning. He suppressed the rebellious zamindars of Bengal and Bihar, who had challenged the authority of the Nawab on previous occasions. He forced the old officers to give up the money which they had misappropriated. He levied some Abwabs or additional cesses. He tried to organise his army in the same way as the Europeans did. He made arrangements for the manufacture of fire-locks and guns at Monghyr.

Mir Kasim transferred his capital from Murshidabad to Monghyr. Many reasons have been suggested for the change. The Nawab required a strongly fortified place for his permanent residence and Murshidabad did not serve that purpose. Monghyr could put at his disposal a satisfactory fort which by means of necessary improvements could be made stronger and more serviceable. The Nawab hoped to start at Monghyr with a clean slate as he would be absolutely free from the atmosphere of the old capital, its intrigues and corruption. Murshidabad was the centre of late Nawabs and was still associated with their names. The vanity of Mir Kasim required some new place where he could inaugurate his new regime. The

transfer had both spectacular and psychological aspects. Moreover, there was a suspicion in the mind of Mir Kasim that Mir Jafar would be restored by the Company sooner or later and the attitude of Ellis and the members of the opposition in the Council deepened his suspicion. Under the circumstances, the Nawab may have considered it prudent to leave the old capital and settle at a place which was far away from Calcutta so that if Mir Jafar was re-appointed, he may be able to offer resistance or escape to Oudh. The Nawab also wanted to remain at a safe distance from Calcutta so that there may be less of supervision and interference from the English side and he may be able to develop an army without hindrance with a view to establishing his complete independence by ultimately overthrowing the power of the English.

After removing his capital from Murshidabad to Monghyr, the Nawab seriously turned his attention to the subject of private inland trade of the servants of the Company. By a Firman of 1717, the English Company had been given the privilege of free seaborne trade. However, the servants of the Company had taken advantage of the chaotic condition in the country and started abusing the privilege by extending the same to the private trade of all kinds. As the Nawab was in need of money and he found that he was being deprived of a lot of his revenues on account of the illegal private trade carried on by the servants of the Company he decided to stop the same. Under instructions from the Nawab, his officers in the districts began to stop the boats belonging to the English merchants in spite of their having Dastaks with them. The Englishmen protested. The Chief and Council at Dacca wrote thus in October 1762 : "At every Chokey our boats are stopped, the people insulted, and the flag used with the utmost and most gross contempt." In the same month, the Chief and Council at Chittagong wrote thus : "Our business is entirely put a stop to by the Nawab's people, and our boats not suffered to pass the Chokeys, the zamindars demanding very considerable duties to be paid to them, declaring that they have orders from Cossim Allee Cawn so to do." A report from Lakhipur was to the following effect : "Within these few days, every boat which we have sent out of the river has been stopped at the different Chokeys, notwithstanding they have the Chief's Dustuck." The Faujdar of Katwa stopped 150 boats belonging to the English gentlemen although they had the Dustucks of the Company. All these facts indicated that the Nawab had decided to stop the duty-free trade of the servants of the Company.

All sorts of obstructions to the trade of the Company came to be reported. Ellis complained of the interference of the local Amil with the weavers and bleachers in their business at Jahanabad. The Ziladars of the Nawab were instructed to direct the ryots not to have any dealings with the English. The Nawab suddenly multiplied the number of customs stations in the country with a view to checking the private trade of the English. New stations were established in places where there was none before. The number of soldiers stationed at the Chaukis was increased so that English boats could be stopped effectively. The Nawab also complained of the increase in the number of factories of the company.

The most serious charge of the Nawab was against the rapacity of the Gumashtahs of the Company. About them, he wrote thus : "The Gumashtahs who have gone into the country on the part of your gentlemen, regardless of what any one says to them, insolently use violent means to carry on their traffic, and whenever a gunge or golah has been established, they act as Zemidars, Taalookdars and renters, and leave my officers no authority ; and besides this, they send other people's goods with their own, under the protection of their dustucks." The allegations of the Nawab were substantially correct. The Gumashtahs were generally a set of the worst type of rascals whose oppressive conduct was an open scandal. Their masters usually supported them. Assured of sympathy and assistance, the English agents practised the worst tyranny whenever they went. They compelled the ryots to sell their goods below the market rate and purchase the commodities they had brought at very high prices. They forcibly exacted large presents from the people and thus plundered them under this pretext. They sold dustucks to private merchants for money. Sergeant Brego wrote thus in May 1762 : "A gentleman sends a Gumashtah here to buy or sell ; he immediately looks upon himself as sufficient to force every inhabitant, either to buy his goods or sell him theirs, and on refusal aflogging, or confinement immediately ensues. Before justice was given in the public cutcherree, but now every Gumashtah has become a judge and every one's house a cutcherree ; they even pass sentences on the Zemidars themselves and draw money from them by pretended injuries." The Faujdar of Dacca wrote thus in September 1762 : "The Gumashtahs of Luckypoor and Dacca factories oblige the merchants, etc. to take tobacco, cotton, iron and sundry other things at a price exceeding that of the bazaar and then extort the money from them by force ; besides they take direct money from the peons and make them pay a fine for breaking their agreement. By these proceedings, the Aurangs and other places are ruined. The Gumashtahs of Luckypoor factory have taken the taalookdars' taalooks from the tahsildar by force for their own use and will not pay the rent. By these disturbances, the country is ruined and the ryots cannot stay in their houses, not pay the malgujaree." In April 1762, Mr. Hastings wrote thns: "I beg leave to lay before you a grievance which calls for redress and will, unless duly attended to, render ineffectual any eud eavours to create a firm or lasting harmony between the Nawab and the Company. I mean the oppressions committed under the sanction of the English name. This evil, I am well assured, is not confined to our dependents alone, but is practised all over the country by people falsely assuming the habits of our sepoys, or calling themselves our Gumashtahs." According to Verelst himself, "English agents or Gumashtahs, not contented with injuring the reople, trampled on the authority of the government, binding and punishing the Nabob's officers wherever they presume to interfere."

The disputes arising out of the private trade of the English gentlemen became so serious and frequent that a conflict between the Nawab and the Company was imminent. There were complaints and counter-complaints. The only alternative to war was a compromise and Mr. Vansittart decided to visit Monghyr to settle the points of

dispute amicably. When Vansittart reached Monghyr in November 1762, he and his party were treated "with all the usual marks of respect and friendship." The Nawab related to Vansittart his grievances. He contended that the private trade of the servants of the Company was not covered by the Firmans of Company. His administration was adversely affected by the private trade and it was difficult for him to maintain law and order in the country. He was suffering a heavy loss in his customs duty. Under the protection of the name of the Company innumerable persons passed their goods duty-free. The prestige of his government suffered on account of the irregularities of private trade. The Gumashtahs and servants of the Company oppressed the people. The gentlemen of the factories held farms, taaluqs, ganjs and golas. They borrowed from and lent to the people. They gave protection to his dependents. They coined money at different places. They used force in the purchase and sale of goods.

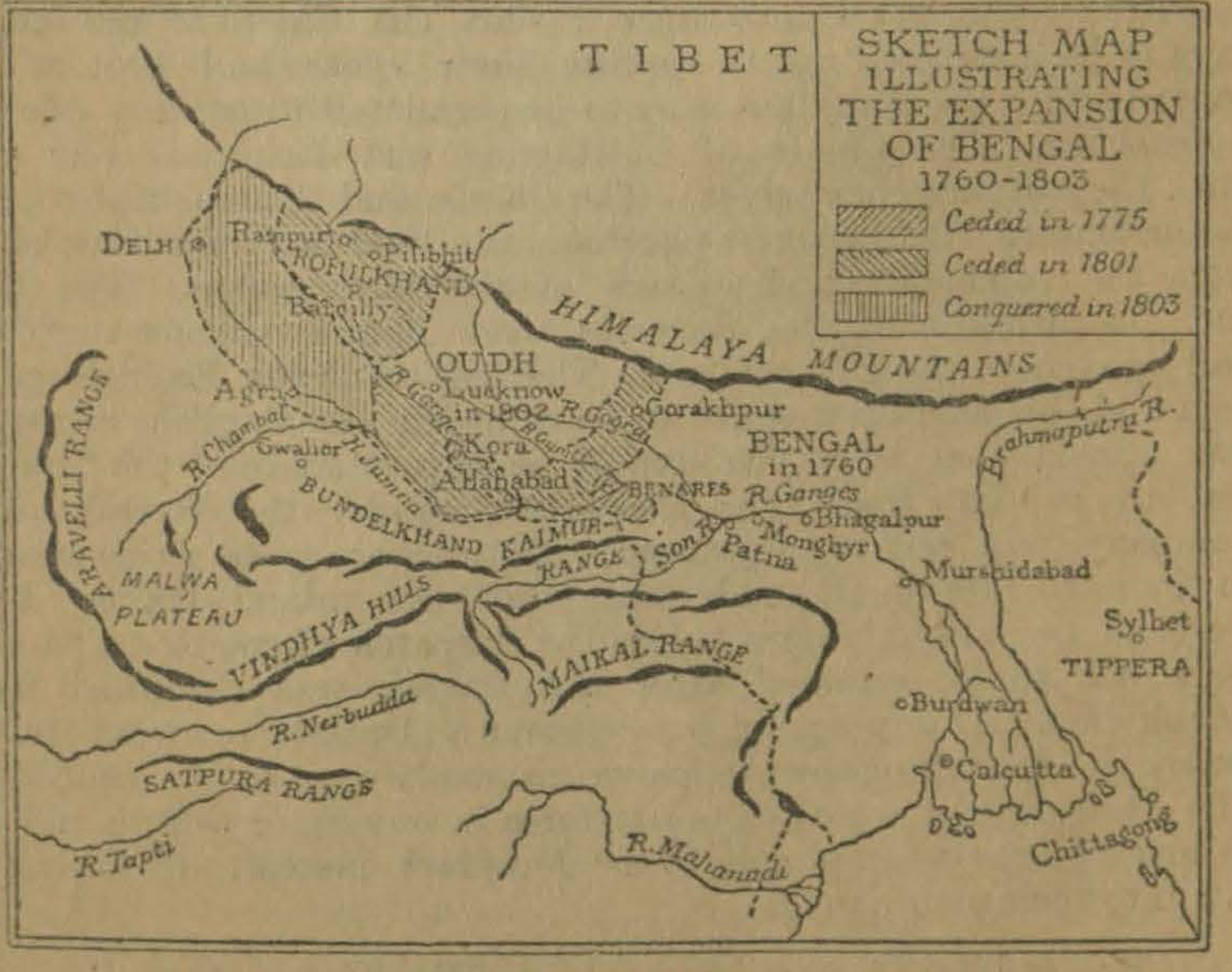
The Nawab demanded the total abolition of private trade of English gentlemen but Vansittart had no authority to give his approval without the consent of the Council. In spite of that, Vansittart agreed to surrender the right of the servants of the Company to trade duty-free. Vansittart also agreed that the Chiefs of the factories were to be instructed not to oppress their ryots and protect their dependents. The Faujdars were to be permitted to try any offending Gumashtah. The Chiefs of Chittagong and Lakhipur were not to work the saltpans themselves. The Chiefs and Gumashtahs of the factories were not to rent or purchase any land nor lend to or borrow from the zamindars and officers of the government. The Chiefs and Gumashtahs of the factories were not to obstruct the Dallals and weavers of the government. The bullion of the English gentlemen and Gumashtahs was not to be coined in the English mints. It was agreed that only the export or import trade of the Company was to be duty-free. For the inland trade, the Dastak of the Company was not to be granted. Duties were to be paid according to the fixed rate on all goods meant for the inland trade. Duties were to be paid only once before the despatch of goods. The goods were not to be retained after the Dastak was examined by the Chaukidars. If any person was without a Dastak or used fraudulently the Dastak of the Company, his goods were to be confiscated. The Gumashtahs were not to use force in buying or selling and were to bring all their complaints to the Faujdars instead of taking the law into their own hands.

Dr. Nandlal Chatterji has criticised the deal made by Vansittart with the Nawab on many grounds. According to him, Vansittart showed great imprudence in divulging his plan to the Nawab before discussing it in the Council. He ought to have anticipated opposition from his colleagues. He should not have forgotten that he had no authority to make fundamental changes on behalf of the Council. He unwisely submitted to the desire of the Nawab to control the Gumashtahs and other subordinates of the Company through the Faujdars. He should not have agreed to the stoppage of the making of the coins of the Company at different mills. No clear-cut distinc-

tion was made between the trade of the Company and that of its servants. Vansittart made a mistake in accepting a gift from the Nawab and this could easily be interpreted as a bribe from the Nawab for the favours given to him.

The Council at Calcutta rejected the agreement arrived at between Vansittart and Mir Kasim. The result was that the Nawab decided to abolish the duties altogether. The English clamoured against this and insisted upon having preferential treatment as against other traders. Ellis, the chief of the English factory at Patna, asserted that he considered it to be the rights and privileges of the English and even made an attempt to capture the city of Patna. However, his attempt failed and the garrison was destroyed. This led to the outbreak of war between the English and Mir Kasim in 1763. According to Ramsay Muir, Ellis deliberately aimed at war "in order that the obstacle to the private traffic of himself and his friends might be removed."

In June 1763 Major Adams was sent to fight against Mir Kasim. Many battles were fought with the Nawab's troops and most important of them were those at Katwah, Giria, Suti and Udaynala.



When Mir Kasim found his cause hopeless, he proceeded towards Patna. In despair, he ordered the Indian prisoners to be put to death and some of them were Raja Ramnarain, Raja Rajballabh, etc. Then came the turn of the European prisoners. He ordered his officers to kill all the European prisoners. However, their reply was as follows : "No. Turn them out with arms in their hands and we will fight them to death. We are soldiers and not executors." However, that work was done by a German named Walter Rheinhardt. He is better known by the name of Somru. He ordered his

soldiers to mount the roofs of the prison and fire on the prisoners. The result was that not a single man was saved.

Even before the defeat of Mir Kasim, Mir Jafar had already been declared as the future Nawab of Bengal. This had been done in July 1763. The new Nawab agreed that "the English shall carry on their trade by means of their own Dustuks, free from all duties, taxes and impositions, in all parts of the country excepting the salt on which a duty of two and a half per cent is to be levied on the Rowna of Hoogly market price ; wherein, it is further agreed, that the late Perwannahs issued by Kossim Ally Khan granting to all merchants the exemption of all duties for the space of two years shall be reversed and called in and the duties collected as before." Mir Jafar also promised to make compensation for all losses incurred by the English Company. However, his throne was not a bed of roses. The evils of Dustuks began to increase. Even the revenues of the State could not be collected.

Battle of Buxar. After his defeat in 1763, Mir Kasim went away to Oudh. Emperor Shah Alam was also in Oudh. The Nawabs of Oudh looked forward to Bengal for their expansion and consequently a conflict between the Nawab of Oudh and the English was inevitable. Mir Kasim helped the Nawab Vazir of Oudh by suppressing the rebels of Bundelkhand. It was agreed between the parties that "on the Vazir's crossing the Ganga and entering the enemy's country, Mir Kasim from that day and for so long as the expedition might last, would pay him for the expenses of his army eleven lacs of rupees per month." Some adventurous Frenchmen also joined. To begin with, there were some indecisive engagements. However, in October 1764, there took place the famous Battle of Buxar. Munro defeated both Mir Kasim and Nawab Vazir of Oudh. Shuja-ud-Daula was finally defeated in May 1765 and Oudh lay completely prostrate at the feet of the English. The Mughal emperor came over to the side of the English and Mir Kasim spent the rest of his days as a wanderer.

Historians have attached great importance to the battle of Buxar. According to Broome, on the battle of Buxar depended the fate of India. According to Sir James Stephen, the battle of Buxar deserves far more credit than the battle of Plassey as the origin of the British power in India. It was a fiercely contested battle. The English lost 847 killed and wounded. The enemy left behind 2,000 dead. It was not merely the Nawab of Bengal but the emperor of all India and his titular Prime Minister who were defeated. If the battle of Plassey enabled the English Company to put a puppet on the throne of Bengal, the battle of Buxar did much more. It gave the English an opportunity to bring under their control the north-western frontier of the Subah. According to Ramsay Muir, "Buxar finally riveted the shackles of Company's rule upon Bengal."

Estimate of Mir Kasim. Mir Kasim was an able, vigilant and strict administrator. He had an extraordinary ability for the routine work of government. He had great enthusiasm for reform and efficiency. He showed great energy, perseverance and acuteness in overhauling the administration of his predecessors. He rehabilitated

the finances. He reorganised the departments of revenue and justice. He created a new army on Western lines. He repressed the power of the barons.

He not only worked hard himself but he knew how to make his subordinates work. He was an indefatigable worker. He was a clever judge of the character of those with whom he had to deal. He was a strict disciplinarian. He was feared by his subordinates for his merciless severity. He tried to remove fraud, corruption and negligence with a heavy hand. He enforced regularity and discipline with an iron hand. According to Ghulam Hussain, the Nawab was the most remarkable prince of his age on account of his skill in technical problems of administration and finance, insight into man's character and motives, enforcement of a strict economy without appearance of parsimony and introduction of regularity in the payments to the troops.

If he had virtues, he had his shortcomings also. He lacked personal courage and a genius for war. He was vain and ambitious. At the same time he was timid and cowardly. He did not possess any military talents. In the hour of slightest danger, Mir Kasim became nervous. He could not face a crisis in a calm manner. He was a mixture of ambition and timidity.

He did not trust others. He suspected every official, high or low. Mere suspicion was enough to punish any person. Any subordinate could be imprisoned or executed for a very ordinary omission. The Nawab was so much undependable that nobody was sure of his future. Such a state of terrorism and repression could not be expected to strengthen the foundations of the State. The Nawab believed in duplicity, intrigue and treachery. Such important personalities as Ramnaraian, Rajballabh, Naubatray, Sitaram, Saadullah and Gurgin suffered at the hands of the Nawab. It is difficult to estimate the number of smaller persons who suffered at the hands of the Nawab. Everything was contralised in the hands of the Nawab and that was bound to sap the very foundations of his government.

It is pointed out that the massacre of the English prisoners at Patna was not the worst piece of brutality. Batches of Indian political prisoners were drowned in the Ganges at Monghyr with sand bags tied to their necks. According to Gentil, the Nawab defended his massacre of the English prisoners in these words : "If I fall into the hands of the English, they would not spare my life. I lose my government, but I have at any rate this compensation that my enemies will derive no satisfaction from my fall, for I shall first of all put them all to death."

The Nawab systematically oppressed the wealthy people in his realm. As a matter of fact, very few monied people were left in his kingdom. The officials of the late regime were made to hand over to the Nawab whatever they had accumulated. Most of them were imprisoned or executed after the confiscation of their entire property. It was in this way that the Nawab was able to fill his coffers. The land revenue in the country was nearly doubled. The result was

that the condition of the peasants became very unhappy. The condition of the people in general also became miserable.

The Nawab suffered from all the vices of his age. He did all that he could to add new recruits to his harem. The result was that excessive dissipation broke down his health and even the best of the physicians could not restore it.

It is said that the Nawab was absolutely unscrupulous. There cannot be greater proof than the way in which he managed to bring about the deposition of his own father-in-law.

The Nawab possessed a passionate and excitable nature. He became a heartless bully. No wonder, he had hardly any friends and was hated even by his relatives. He was inwardly feared and detested by everybody.

However, the Nawab was proficient in mathematics and astrology. He spent a lot of money on scholars, poets and pious men. He wanted to be known as a great patron of learning.

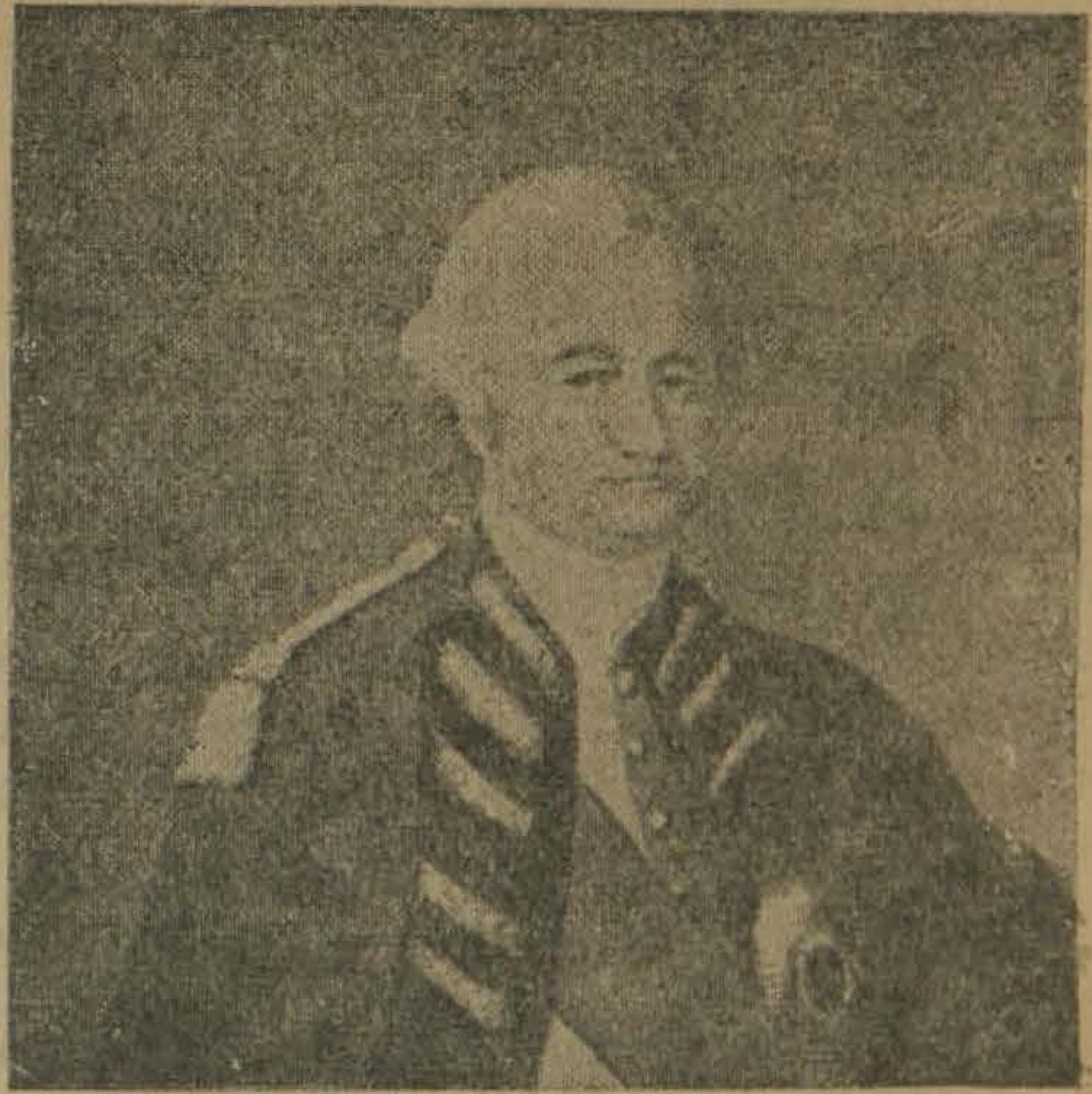
We may conclude with the following words of Dr. Nandlal Chatterji: "More inhuman and cynical than the much abused Siraj-ud-Daulah, more artful and perfidious than Mir Jafar, more aspiring and persistent than Haidar Ali, more calculating and greedy than Shuja-ud-Daulah, more suspicious and exacting than Muhammad Ali, more egotistical and literary than Shah Alam, more timid and nervous than Nizam Ali, Mir Qasim lacked the impetuosity of Siraj-ud-Daulah, the indolence of Mir Jafar, the bravery of Haidar Ali, the sagacity of Shuja-ud-Daulah, the extravagance of Muhammad Ali, the chivalry of Shah Alam, and the prudence of Nizam Ali. Mir Kasim was obviously one of the most intriguing figures among the contemporary Muslim rulers in India."

It may be noted that Mir Jafar remained the Nawab of Bengal for the second time from July 1763 to February 1765. When he died in 1765, the Calcutta Council put his second son named Najam-ud-Daulah on the throne of Bengal. However, all power passed into the hands of the English Company. By the arrangement of February 1765, the new Nawab agreed to maintain troops only for the support of his dignity, the maintenance of internal peace and the collection of revenues. The English got the right of controlling the appointment of the officers of the Nawab. At this time, the condition of Bengal was chaotic. There was anarchy, confusion, bribery, corruption and extortion everywhere. Such was the state of affairs when Clive came to India in 1765 as the Governor of Bengal for the second time.

Clive's second Governorship of Bengal (1765-67). The period of second Governorship of Bengal of Lord Clive is remarkable for the successful handling of the political and administrative problems which confronted the Company in 1765. His masterly handling of the situation silenced all opposition and created an atmosphere of calm and quiet at least for some time.

The administrative reforms were rather difficult. The covenanted servants of the English Company were demoralized by the con-

ditions under which they had been working and the facility with which they were able to make fortunes. A kind of a tradition had grown that on the occasion of every change in the government in Bengal, presents should be made to the servants of the Company. On the occasion of the accession of Najam-ud-Daulah, the son of Mir Jafar, in 1765, presents were got even from the ministers. The worst thing about the whole affair was that all this was done in the face of the specific orders from the Company prohibiting the acceptance of presents and requiring its servants to sign cvenants agreeing not to accept them in future. The servants were under the impression that as Clive himself had accepted presents in the past, he would not be able to take action against them. However, they were mistaken in their calculations. Clive was determined to carry out the orders of the Company. He forgot altogether that he himself was enjoying £30,000 a year from the Jagir. Clive demanded of all the civil and military servants of the Company to enter into covenants to the effect that they would not accept presents. This they did under the impression that the zeal of Clive would cool down after some time and he would modify his own orders accordingly. However, the servants of the company found that Clive was faithful in the performance of his duties towards the Company.



Lord Clive

When Clive came to Calcutta, he found that there was a great lack of senior servants of the Company. The reason was that the salaries of the Company's servants were hopelessly low and efficient persons were not available on those terms. He found the junior servants occupying all the important jobs and making profits by selling their passes to the Indian merchants. Clive found that the office of the secretary of a department was held by a writer of three years' standing. The paymaster of the army was merely a writer. The same was the case with the office of an accountant. The intention of Lord Clive was to regulate the private trade in such a way that out of the profits, higher salaries might be given and efficient persons might be forthcoming. Although Clive was in favour of raising the salaries of the servants of the Company, he failed in his objective on account of the opposition of the Court of Directors of the Company. The result was that he had to resort to some questionable methods in order to give effect to his own scheme.

Salt was a monopoly of the Company and Lord Clive decided to

administer the same and employ the profits arising out of it for the payment of additional allowances to civil and military servants. Out of the profits, the Governor was to receive £17,500 per annum, a Colonel in the army or a member of the Council £7,000, and persons occupying lower ranks were to get less money.

The starting of a trading company with the object of giving higher salaries to the servants of the Company was contrary to the orders of the Company. Clive was under the impression that the Company would ignore this action of his. However, when the Directors came to know of it, they immediately ordered its abolition. But, Lord Clive kept those orders suspended so long as he was in Bengal and hoped to procure their reversal on his return to England. As the Directors insisted, the Company had to be wound up. According to Dodwell, "In this matter Clive had been unduly blamed. His proposals amounted in reality to the continuation of the monpoly which had been customary and the assignment of the revenues so raised to the payment of establishment." Lord Clive was condemned for what Lord Cornwallis was praised later on. The mistake which Clive made was probably one of tactics.

There was a strong resistance to his reforms from the servants of the Company. When Clive thundered against the rapacity and oppression universally prevalent and declared that "every spark of sentiment and public spirit was lost and extinguished in the inordinate lust of unmerited wealth," they failed to understand as to how Clive himself was above board. An association was formed by them. Clive's entertainments were boycotted. Memorials were prepared. However, when the servants of the Company found that Clive was adamant, they submitted to their lot. The result of this was that Clive was able to clear the Aegean stables of Company's establishment.

Lord Clive had to deal with the military side of the administration also. While doing so, he had to face a difficult situation. For many years, the English Company had been trying to cut down the Bhatta or field allowances of its military officers. Those allowances were made to make good the extra cost of living in the field as compared with living in garrison. The origin of the double Bhatta could be traced to the Carnatic Wars where Chanda Sahib and Mohammad Ali paid Bhatta to the French and English officers. Likewise, Mir Jafar paid double Bhatta to the English soldiers. Mir Kasim did likewise. However, when the English Company got the Diwani of Bengal, Bihar and Orissa, the duty of paying double Bhatta to the soldiers fell on the shoulders of the Company. No wonder, the Directors of the Company sent instructions to reduce expenditure on that account.

Lord Clive prepared a comprehensive scheme in this connection. The troops of the Company were divided into three Brigades each consisting of one regiment of European infantry, one Company of artillery, six battalions of sepoys, and one troop of black cavalry. One Brigade was stationed at Monghyr, another at Bankipore and the third one at Allahabad. Clive laid down that the officers in the cantonment at Monghyr or Patna were to draw half Bhatta as the

officers did at Trichinopoly. When they took the field, they were to draw Bhatta while within the limits of Bengal and Bihar, but if they crossed into Oudh, they were entitled to double Bhatta. For a Captain, that amounted to three, six, twelve rupees a day.

A combination was formed among the military officers to resist the enforcement of the new regulations. It was decided to resign simultaneously their commissions. They were encouraged to take this action by Sir Robert Fletcher. However, Lord Clive was determined to crush all opposition and he carried out the new regulation. He at once accepted the resignations of those who offered them and got officers from Madras to replace them. Clive visited the headquarters of the three brigades in person to assure himself that the men were under control. Gradually, the officers began to quarrel among themselves and the mutiny broke down. Fletcher and six others were turned out. Those who were considered to be not guilty were allowed to return to duty on condition of signing a three years' agreement.

Clive set up a fund known as Lord Clive's Fund with a view to helping the servants of the Company at the time of financial difficulty. That fund performed a useful function till the time the Company adopted the system of pensioning its servants. The fund was created out of the sum of Rs. 5 lacs left by Mir Jafar to be given to Clive.

Dual Government of Bengal (1765-72). The system of dual Government of Bengal which was set up by Clive is not easy to explain. It was not the simple division of control over the administration of Bengal between the English East India Company and the Nawab of Bengal. The position was somewhat as follows :

The Nawab or Subedar of Bengal, as Viceroy of the Mughal emperor, exercised two functions : (1) the Diwani, *i.e.*, revenue, and civil justice, and (2) the Nizamat, *i.e.*, military power and criminal justice. As Sir James Stephen points out, the Nawab granted practically the Nizamat to the Company in February 1765. In August 1765, the Emperor Shah Alam granted the Diwani to the Company. The Company thus held the Diwani from the emperor and the Nizamat from the Subedar. So far the position was clear. But the difficulty was created by the fact that the servants of the East India Company as yet did not undertake their duties as Diwan or Nizam in their own person. The nominal head of the administration was a Deputy Naib or Nawab whom the Nawab bound himself to appoint with their sanction. A similar Deputy was appointed for Bihar. But the whole administration was carried on for many years through the agency of the native servants. However, in 1769 English supervisors (afterwards called Collectors) were appointed to control the native revenue officers. But instead of improving matters, they only made confusion worse confounded and corruption also increased.

Such was the Dual system of Government set up in Bengal by Clive. It might be asked as to why it was that Clive hesitated to take over the administration of the province when he could have done that so easily. The Nawab was merely a puppet in the hands

of the British. As a matter of fact, all power was in the hands of the British. He was their creature and depended upon them for his existence. Clive would have rendered a great service by abolishing his office and assuming the control of the government directly, rather than agree to play the role of the wire-puller from behind the scene. As pointed out by Dodwell in *Cambridge History of India*, the great disadvantage of the scheme was that it separated power from responsibility. The English were given control over the province but they did not feel any responsibility for its administration and could not be held responsible for anything done badly. This thing was made clear when in 1770, a severe famine broke out in Bengal. The servants of the company did not feel any duty towards the people who were left to die in thousands. That appalling distress can be attributed to the system of Dual government set up by Clive. P. E. Roberts criticises the system in these words : "The unfortunate divorce of power from responsibility soon caused a recrudescence of the old abuses."

But as Dodwell points out, the system as set up in 1765 had certain immediate advantages. It was suited to the exigencies of the time. It secured that control over the Nawab which was regarded as the most pressing need of the time. It also secured protection against the complaints of the foreign powers and demands of the Home Government. Clive still remembered how the ostensible assumption of power contributed to produce the unyielding opposition of the English to the schemes of Dupleix. The writs of the emperor or Parwanas of the Nawab, though valueless without the support of the English power, could not be fully discounted at Paris or the Hague without a serious breach of diplomatic etiquette. It was thought that something less than the assumption of full dominion would be less likely to excite legal difficulties in England or provoke the interference of Parliament. "In short, the grant of the Diwani was designed to secure the full control of Bengal affairs so far as the Company's interests went without incurring the inconvenience of formal dominion." (*Dodwell*).

Lord Clive's own observations were as follows : "The first point in politics which I offer to your consideration is the form of Governments. We are sensible that since the acquisition of the Diwani the power formerly belonging to the Subah of these provinces is totally, in fact, vested in the East India Company. Nothing remains to him but the name and shadow of authority. This name, however, this shadow, it is indispensably necessary we should seem to venerate under the sanction of Subah, every encroachment that may be attempted by foreign powers can be effectively crushed, without any apparent interposition of our own authority and all real grievances complained of by them can, through the same channel, be examined into a redress. Be it therefore always remembered that there is a Subah and though the revenues belong to the Company, the territorial jurisdiction must still rest in the chiefs of the country, acting under him and this Presidency in conjunction."

Roberts says that even Clive would not have denied the charge that the system set up by him was not perfect. But he remarks that

"Clive could not afford to indulge in counsels of perfection ; he had to deal with actualities." He admitted that the Nawab had only "the name and shadow of authority," yet "this name, this shadow, it is indispensably necessary that we should venerate." Verelst tells us that it was impossible to take over the full government of the province. In the first place, the number of servants of the Company required for the task of administration was very limited. However, they were quite ignorant of the task of administration, for they were merely writers in the Company's service.

According to Dr. Nandalal Chatterji, "The double government which Clive established was both illogical and unworkable. He forgot that division of power was impossible without creating anarchy and confusion. The assumption of the Diwani of the Bengal Subah exhibited the cynical adroitness of an astute schemer rather than the foresight of a responsible administrator. It was a selfish contrivance for enjoying the spoils of office, without taking over its fundamental obligations. It was avowedly a device for hoodwinking the country powers and the foreign nations whom Clive did not want to give umbrage. He frankly justified it as an excellent screen for concealing the political revolution in Bengal The Nawab was now a pensioner of State and had nothing but the name and shadow of authority ; but Clive insisted that this name and shadow must be preserved and outwardly venerated as a convenient mask which, he thought, it would be unwise and even dangerous to throw off. Diwani was therefore little more than a deceptive camouflage.

"The tragic inhumanity of the dual system resulted naturally in a complete breakdown of the internal administration. The Nawab had no power to enforce law and justice, while the English on their part disowned the responsibility of government. The result was disorder in the country. The villainy of the zamindars, and the rapaciousness of the Nawab's officials and the Company's servants knew no bounds ; and the peasants, weavers and merchants were intimidated and fleeced to the utmost. The people were left virtually without appeal, and many were compelled to leave their hearths and homes in despair and become vagrants or freebooters. The country was, in short, reduced to a state of miserable desolation. At no period in the chequered annals of Bengal did the province suffer such flagrant spoliation as it did in the era of Clive."

From 1765 to 1772, the actual administration was in the hands of two Indian officials known as Naib Diwans, the Company itself being the actual Diwan. Mohammed Raza Khan was in Bengal and Raja Shitab Rai was in Bihar. In 1769 were appointed Britirh supervisors who were given "a controlling, though not an immediate, power over the Collectors." The evil of the system was that while the Company itself was in serious financial straits, its servants were returning to England with big fortunes.

Becher, Resident at Murshidabad, wrote thus in 1769 : "It must give pain as an Englishman to have reason to think, that since the accession of the Company to the Diwani, the condition of the people of this country has been worse than it was before ; and yet I am afraid the fact is undoubted. This fine country which flourished

under the despotic and arbitrary government, is verging towards its ruin, while the English have really so great a share in the administration."

Moreover, the Directors strongly suspected that the Naib Diwans were intercepting a large part of the revenue which would have filled the Company's treasury. Hastings was appointed in 1772 definitely with a view to ending the Dual System. The Court of Directors had decided "to stand forth as Diwan." He was in fact selected to take the place of the three supervisors. "We now arm you with our full powers," wrote the Directors of the Company, "to make a complete reformation." Although he was given definite instruction on most points, it is to a certain extent true, as Lord Thinlow says, that he was ordered "to destroy the whole fabric of the double government—he was to form a system for the government of Bengal, under instructions so general, that I may fairly say the whole plan was left to his judgment and discretion."

Formally the abolition of the Dual Government did no more than that the Company should henceforth collect the revenues through the agency of its own servants. But in reality, it meant becoming responsible for the whole of civil administration. Hastings hardly exaggerated it when he described it as "implanting the authority of the Company and the sovereignty of Great Britain, in the constitution of this country." The first step was the abolition of the offices of Naib Diwans of Bengal and Bihar, and the prosecution of Mohd. Raza Khan and Raja Shitab Rai for peculation. After undergoing a long trial and being kept in custody for rather more than a year, they were both acquitted. The trial was merely a formal affair designed indirectly to remove them. Although Warren Hastings was opposed to it, it served the purpose. "The retrospections and examinations are death to my views," said Hastings.

Thus it was that the Dual System, which was set up by Clive, was abolished by Warren Hastings. It was not intended to last for ever. It was a stop-gap. It was a make-shift agreement which aimed at tidying over the difficulties confronting the English in 1765. It was the creation of the genius of the Englishmen who believe in bit-by-bit advance. It was the policy of muddling through which, though often misunderstood, serves its purpose in the long run.

Dr. Nandalal Chatterji points out that Clive was the real founder of a regular postal system in British India. He laid the foundations on which the modern postal system was subsequently built up by his successors. The system introduced by him was mainly a continuation of the old Dak organisation of horse carriers of runners who carried letters and despatches by relays along the road from place to place. All that was required was to set up a permanent and efficient staff of runners and Clive entrusted this task to the zamindars along the postal routes. They were required to supply runners to carry the mails. However, they were allowed to claim deductions in their rents in proportion to the expenditure incurred by them for the maintenance of the runners.

In 1766, Clive arranged for a full-fledged organisation of Daks

within the Bengal province and from Bengal to other presidencies. According to the new system, the Daks were to be controlled by a dost-master with assistants under him. The mails from Calcutta were to be despatched from the Government House. Letters meant for despatch were to be sorted every night. The Daks were to be sent off personally by the post-master or his assistants. Letters for different centres were to be packed in separate bags. The mail bags were to be sealed with the seal of the Company. None but chiefs of factories or Residents were to open the bags meant for their respective areas. The chiefs were to observe the same rule with respect to the letters sent down to Calcutta.

The system of runners was defective and consequently there were delays in the delivery of mail bags. No wonder, new regulations were framed by Clive. According to them, the mail bags were to be numbered in regular succession. The day and hour of despatch and the number of the packets were to be noted on the tickets affixed to them. The Resident or Chief of factory was regularly to send advice of the receipt of each packet to the Resident of the stage from whence it came last. If any packets were found missing, the runners were to be punished if any failed to give any satisfactory explanation of the loss. All packets were to be sealed with the seal of the Governor and that of the Company with a view to preventing their being opened before arrival at the destination.

It is to be noted that the postal system set up by Clive was employed only for official purposes. The private individuals could not make use of it.

Foreign Policy. According to Dr. Nandalal Chatterji, "The foreign policy promulgated by Clive and continued throughout the Diwani period was one of cautious moderation, based on a realistic grasp of the practical possibilities and dangers inherent in the situation facing Bengal on its vulnerable sides. The fundamental principle underlying this policy was the avoidance of conquest and dominion outside the existing limits of the province. The defence of Bengal itself was an arduous charge. 'To go farther,' Clive maintained in one of his letters to the Directors, 'is in my opinion a scheme so extravagantly ambitious and absurd that no Governor and Council in their senses can adopt it, unless the whole system of the Company's interest be first entirely new-modelled.' 'The limits of the Nabob's dominions,' he further argued, 'are sufficient to answer all your purposes. These, we think, ought to constitute the boundaries, not only of all your territorial possessions and influence in these parts, but of your commerce also since by grasping at more, you endanger the safety of those immense revenues, and that well-founded power, which you now enjoy, without the hopes of obtaining an adequate advantage.' This policy was grounded on the following considerations : *Firstly*, a distant dominion might prove to be a burden on Bengal, both financially and militarily. *Secondly*, hazards of war and conquest could not be conducive to the growth of the Company's trade. *Thirdly*, aggression outside Bengal was likely to stir up serious trouble with the country powers. *Fourthly*, Bengal itself produced, in the words of Clive, 'all the riches we are ambitious to

possess.' *Fifthly*, a pacific policy alone could 'conciliate the affections of the country powers,' 'remove any jealousy they may entertain of our unbounded ambition,' and 'convince them that we aim not at conquest and dominion, but security of carrying on a free trade, equally beneficial to them and to us.' *Sixthly*, the security of Bengal was to be sought rather in the discordancy of the view and the interests of the neighbouring powers than in a policy of aggression against them. *Seventhly*, if ideas of conquest were to be the basis of English policy, Clive apprehended that the Company would, by necessity, be led from one acquisition to another. *Eighthly*, when a sufficient number of competent English officials could not be had for the administration of Bengal itself, it was out of the question to assume the responsibility of government outside the province. *Lastly*, Clive was aware of the fact that, owing to the enormous requirements of of the Company's own trade investments, it was impossible to find money to undertake distant wars."

Clive had to deal with Nawab Wazir of Oudh and the Emperor Shah Alam. Both of them were at this time in the hands of the English and were asking for favours. Oudh lay defenceless before the British armies. On his arrival, Clive found that Vansittart had already promised Oudh to the Moghul Emperor. To Clive, it seemed to be a foolish step It would have been impossible for Shah Alam to maintain his hold over Oudh. Negotiations were opened with Shuja-ud-Daula and ultimately the treaty of Allahabad was signed in August 1765. By this treaty, the Nawab Wazir of Oudh was confirmed in his kingdom with the exception of the districts of Kora and Allahabad, Chunar and the Zamindari of Banaras including Ghazipur. The Nawab Wazir also agreed to pay Rs. 15 lacs as war indemnity. He also entered into a defensive alliance with the English Company by which the latter agreed to help him for the defence of his forntiers and the former promised to pay the cost of maintenance. The Nawab Wazir also agreed to allow the English Company to carry on trade duty-free throughout the whole of his dominions.

The result of the above provisions was that Oudh was created into a buffer State. The soundness of the policy of Clive with regard to Oudh can be proved from the fact that right from 1765 to 1856 this policy was continued by the successors of Clive. According to Ramsay Muir, "It was a matter of fixed policy to maintain a close alliance with Oudh which was useful as a bulwark against the threatening power of the Marathas."

Lord Clive also made a settlement with Shah Alam. The latter was given the districts of Kora and Allahabad which were secured from the Nawab Wazir of Oudh. The English Company also promised to pay Rs. 26 lacs a year as tribute. In return of all this, the Mughal emperor granted the Diwani of Bengal, Bihar and Orissa to the English Company.[1]

1. The text of the Firman granted by Shah Alam to the Company was as follows: "At this happy time our royal Firmaund, indispensably requiring obedience, is issued; that, whereas, in consideration of the attachment and services of the high and mighty, the noblest of exalted nobles, the chief of

(*Contd. on page 54*)

The settlement with the Mughal emperor was criticised from many quarters. It was pointed out that Lord Clive was over-generous to a political fugitive. Men like Sir Eyre Coote advocated a British march to Delhi and the conquest of India in the name of Shah Alam. It is true that from the military point of view, such a conquest was a possibility but Lord Clive regarded that venture to be dangerous. According to him, to go further was a scheme so extravagantly ambitious and absurd that no Governor and Council in their senses could even adopt it. The soundness of Clive's judgment was proved by the fact that it was with great difficulty that the Company was able to defend its existing frontiers against the foreigners. Had the British frontiers been extended unnecessarily in 1765, the problem of defence would have become hopeless.

According to Dr. Nandalal Chatterjee, "Clive had been sent out a second time specifically to reform the entire government of the Company, and to root out the glaring abuses in its affairs there. At the time of his arrival, he found the whole situation in the presidency to be unspeakably bad. There was nothing that bore the form or appearance of orderly administration, and gross self-seeking appeared to be rampant among all classes of the Company's servants. Luxury, rapacity and a want of principle were prevalent in every sphere. Sudden and, among many, unjustifiable acquisition of riches during the recent years seemed to have totally demoralised everybody from the seniormost officials down to the writer and the ensign. Corruption was universal and contagious....Clive was fully cognisant of the extent and variety of the oppression which had brought a lasting reproach to the English name. He himself confessed that it was impossible to enumerate the complaints that had been laid before him by the poor inhabitants of the country. There was no law and order in the province, and the Nawab's government was a mere mockery. The peasantry groaned under the merciless weight of

(*Contd. from page 53*)

illustrious warriors, our faithful servants and sincere well-wishers, worthy of our royal favours, the English Company, we have granted them the Dewanny of the Provinces of Bengal, Behar, and Orissa, from the beginning of the Fussel Rubby of the Bengal year 1172, as a free gift and ultumgan, without the association of any other person, and with an exemption of the payment of the customs of the Dewanny, which used to be paid by the Court. It is requisite that the said Company engage to be security for the sum of 26 lakhs of rupees a year for our royal revenue, which sum has been appointed from the Nabob Nudjum-ul-Dawla Behauder, and regularly remit the same to the royal Circar; and in this case, as the said Company are obliged to keep up a large Army for the Protection of the Provinces of Bengal, &c., we have granted to them whatsoever may remain out of the revenues of the said provinces, after remitting the sum of 26 lakhs of rupees to the royal Circar, and providing for the expenses of the Nizamut. It is requisite that our royal descendants, the Viziers, the bestowers of dignity, the Omrahs high in rank, the great officers, the Muttaseddees of the Dewanny, the manager of the business of the Sultanut, the Jaghirdars and Croories, as well the future as the present using their constant endeavours for the establishment of this our royal command, leave the said office in possession of the said Company, from generation to generation for ever and ever. Looking upon them to be assured from dismissal or removal, they must, on no account whatsoever, give them any interruption, and they must regard them as excused and exempted from the payment of all the customs of the Dewanny and royal demands. Knowing our orders on the subject to be most strict and positive, let them not deviate therefrom."

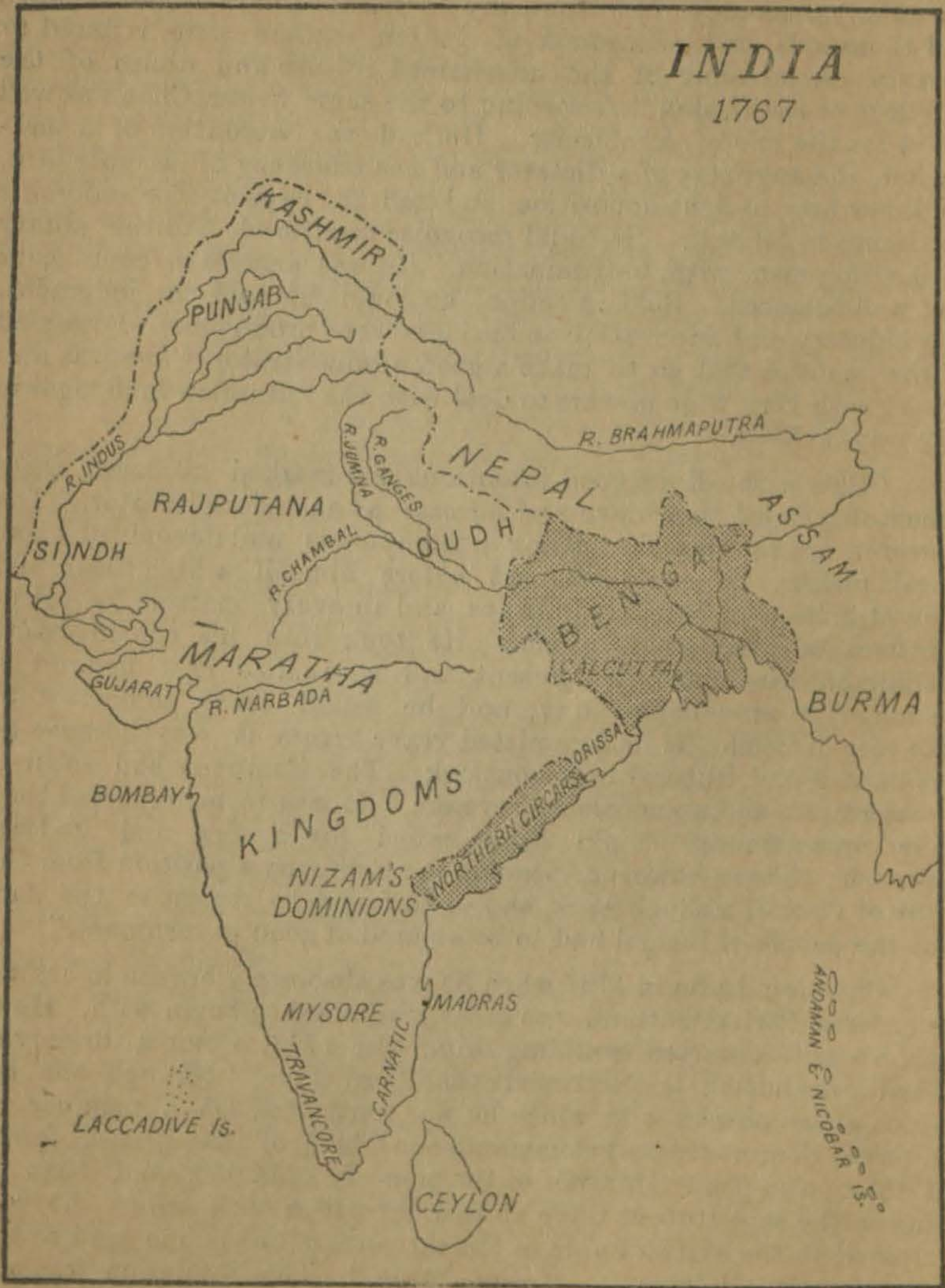
taxation which drained the life-blood from the land. Jobbery and bribery were the order of the day, and the whole burden thereof ultimately fell on the starving cultivator. The trade of Bengal was the unholy monopoly of the Company's servants and their gumashtahs, and thousands and thousands of Indian traders were reduced to poverty on account of the unashamed misuse and abuse of the privilege of the Dastak." According to the same writer, Clive was well fitted for the role of a reformer. He had the resolution of a task-master, the sternness of a dictator and the efficiency of a supervisor. He knew how to fight opposition, and had the capacity for enforcing obedience to himself. He could recognise merit and had the ability of choosing men with discrimination. He was energetic, courageous and well-balanced. Bold in action, he could be cool in judgment. His industry and application to business were prodigious. Possessed of the qualities that go to make a good administrator, Clive was also armed with very wide powers to deal with the situation in Bengal in any way he liked.

"But, with all his good intentions and marked abilities, Clive lamentably failed to achieve real success as an administrator. The reason in not far to seek. Being unscrupulous and devoid of a fine moral feeling, he could not set before himself a high ideal and allowed himself to be guided always and in every matter by considerations of expediency alone. He took into his consideration nothing but the immediate present, and refused to look beyond it. He sought to provide for today, and he would leave tomorrow to take care of itself. If he committed grave errors, it was because he was narrow and illiberal in his outlook. The Company had secured a vast empire and an enormous revenue. It was to be expected that these circumstances should have called for a new and radical approach. Clive, however, viewed the Company's position from the point of view of a shopkeeper, and so he failed to recognise the fact that the people of Bengal had to be assured of good government."

Clive left India in 1767 when he was absolutely broken in health. He entered Parliament and was greatly admired to begin with. However, his critics started troubling him. In 1773, Colonel Burgoyne moved a resolution in Parliament that Lord Clive, "through the influence of the powers with which he was entrusted as a member of the Select Committee and Commander-in-Chief of the British forces did obtain and possess himself of the sum of £234,000, and that in doing so the said Robert Clive abused the power with which he was entrusted to the evil example of the servants of the public and to the dishonour and detriment of the State." The resolution was not passed in this form. After a lengthy debate, the following resolution was unanimously carried : "That Robert Clive at the same time rendered great and meritorious services to his country."

Estimate of Clive. A critical examination of the work done by Clive in India shows that his services to the British Empire in India were great. He was responsible for the capture and defence of Arcot in 1751. In collaboration with Lawrence, he was able to frustrate all the designs of Dupleix. He learnt his soldiering from General Lawrence and his diplomacy from Governor Saunders. In 1756, he

co-operated with the Marathas to put down the pirate stronghold of Ghariah. By his victory of Plassey, he laid the foundations of the



British power in Bengal and provided the basis for further expansion into the interior of the country. During his second Governorship of Bengal, he established Oudh as a Buffer State. He was not only a great warrior but also a great administrator and statesman. Lord Chatham compared Lord Clive with Frederick, the Great, of Prussia. According to Burke, Lord Clive settled great foundations. When he "forded a deep water with an unknown bottom, he left a bridge for his successors over which the lame might hobble and the blind might grope their way." According to P. E.

Roberts, in spite of his faults, there was the stamp of grandeur on all the words and actions of Clive. "His headlong valour on the battlefield, his splendid daring and audacity in a political crisis, his moral courage in facing disaffected and mutinous subordinates, his force and fire in debate, all justified the lofty verdict of Lord Macaulay that our Island has scarcely ever produced a man more truly great, either in arms or in Council."

Reference may be made to two views which, however, do not do justice to Clive. According to Sir Charles Wilson, "There is little trace of skilful combination in his plans, and on some occasions he appears to have neglected the most obvious military precautions. To seek the enemy, and on finding him, to attack with headlong valour seems to have been his guiding principle, and his successes were due rather to his personal intrepidity, and to his power of inspiring large masses of men with confidence than to studied plans or dexterous manoeuvres". Horace Walpole referred to Clive in these words : "Though Lord Clive was so frank and high-spirited as to confess a whole folio of his Machiavellism, they were so ungenerous as to have a mind to punish him for assassination, forgery, and treachery and it makes him very indignant."

Lord Clive who was the founder of the British empire in India, was also the architect of the ruin of the people of Bengal. "The corruption, the oppression and the mal-administration under which they groaned for years were in no small measure due to him. His lust for gold amounted to a mania which proved contagious and Bengal was rifled of its treasures by a set of rapacious adventurers whom none could control. He reduced the Nawab to a figurehead, deprived him of the power and means of doing good and shirked responsibility himself. There was nothing new or original in his plans ; he followed in the footsteps of Dupleix and Bussy and his success was due to a fortuitous combination of circumstances and treachery than to genius." According to Dr. V. A. Smith : "It appears to me impossible for the impartial historian to deny that Clive was too willing to meet Asiatic intriguers on their own ground, too greedy of riches, and too much disposed to ignore delicate scruples in their acquisition. That verdict undoubtedly tarnishes his memory and precludss the historian from according to him the unqualified admiration which his heroic qualities seem to exact. His most outstanding characteristic was an inflexible will which guided his conduct to success in all affairs, whether military or civil. His military genius and his gift for leadership were abundantly manifested both in the Peninsula and in Bengal. His abilities as a statesman were exhibited chiefly in his second administration when he confronted extraordinary difficulties with unflinching courage."

According to Lord Curzon, "Great as a captain for good judges of warfare have been heard to say that in military genius he was equal to Marlborough and superior to Turenne—greater still as an administrator and statesman for he was the real founder of that Civil Service which for more than a century and a half has been the glory of British rule in India—to Clive we owe the fact that there has been an India for Englishmen to serve and for British Viceroys

to govern. Forgive him his errors they were great, but never mean; remember his achievements they were transcendent; shed a tear over the final scene—it was tragic but not ignoble. After all, was not Clive the first of the Indian Pro-consuls to suffer from the ingratitude of his countrymen and did he not thereby inculcate a lesson and set an example that has taught others to endure?" (*British Government In India, Vol. I*, p. 144).

According to one writer, "Lord Clive's career in India may be briefly summed up as follows : first a merchant, then a soldier and then a statesman." "Although Clive did not completely purify the administration, yet he initiated and maintained reforms of considerable magnitude." According to Dodwell, "Clive was a man of insight rather than of foresight." According to Lord Macaulay, "Our island has seldom produced a man more truly great than Robert Clive, either in arms or in Council."

Bengal from 1767 to 1772. According to Roberts, two men of mediocre ability bridged over the interval between the departure of Clive and the appointment of Warren Hastings as the Governor of Bengal. Those two persons were Vereist (1767-9) and Cartier (1770-2). Under their weak rule, the people of Bengal suffered terribly. The defects of the double government of Bengal added to their sufferings. The English left everything to be done by the Nawab and the latter did nothing. The people suffered on account of the mistakes of omission and commission of the Company and the Nawab. It is stated that many cultivators left their fields and became vagabonds and dacoits.

The servants of the Company carried on their private trade and made fortunes for themselves. They also continued to enjoy the monopoly of trade in salt, betelnuts and other articles. There was none to interfere with the private trade of the servants of the Company and their Gomashtahs. The Government realized the seriousness of the situation but seemed to be helpless.

At the top of it, there came the great famine of 1770. Practically, one-third of the population was swept away. The famine was in a very violent form in Bihar. Raja Shitab Rai, the Deputy Governor, reported that more than fifty poor wretches died every day in the streets of Patna and sometimes the number of deaths was three times as great. Sir W. W. Hunter has described the effects of famine in these words : "The husbandmen sold their cattle ; they sold their implements of agriculture ; they devoured their seed-grain ; they sold their sons and daughters till at length no buyers of children could be found. They ate the leaves of the trees and the grass of the fields ; and in June 1770, the resident of the Darbar affirmed that the living were feeding on the dead."

When troubles come, they come in battalions. Famine was followed by fever and small-pox in a virulent form. The streets of Murshidabad were littered with heaps of the dying and the dead. Instead of helping the people of Bengal, the servants of the Company exploited the situation to the maximum. They sold the things as dear as they could. There was no remission of land revenue. If a

certain portion could not be collected from certain individuals on account of their deaths, the deficiency was made up by charging the same from others. The result was that the people had to undergo untold sufferings. Nothing better could be expected from the merchants of London. This state of affairs continued till 1772 when Warren Hastings took up the reins of office as the Governor of Bengal.

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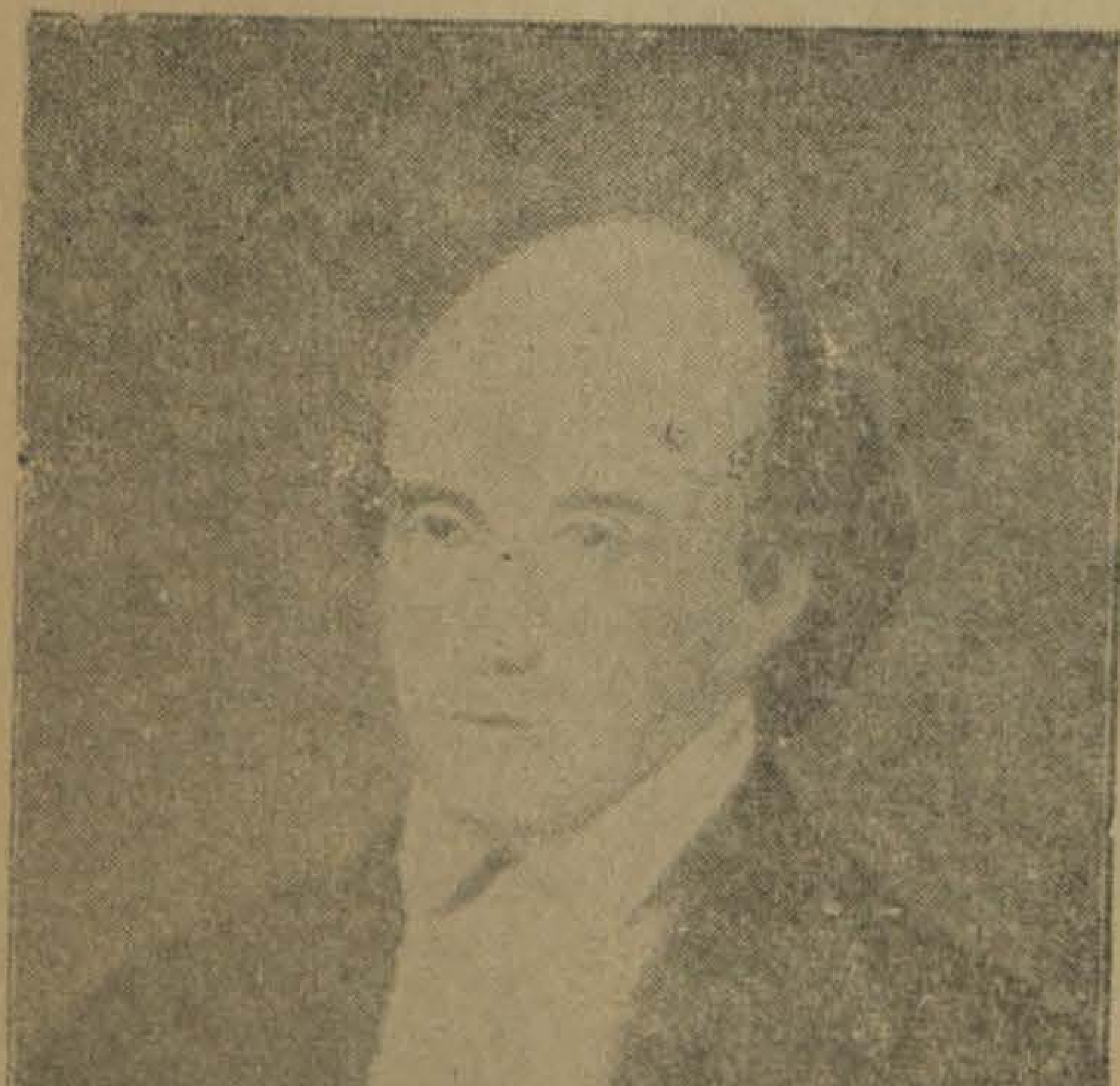
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CHAPTER V

WARREN HASTINGS (1772-85)

Warren Hastings joined the English East India Company as a writer at the age of 18. Later on, he was appointed the Resident of Kassim Bazar where he showed that he was a man of parts. When that place was captured by Siraj-ud-Daula, he was captured but he managed to escape. In 1761, he was made a member of the Calcutta Council. He went home for a few years and came back as a member of the Madras Council. After the retirement of Cartier, he was appointed the Governor of Bengal in 1772. After the passing of the Regulating Act, he became the Governor-General of Bengal.

When Warren Hastings took up office as Governor of Bengal, he had to face many difficulties. There was chaos in the country. There was practically no administration. The servants of the Company were doing havoc to the people. While the Company was getting nothing and its treasury was empty, its servants were making fortunes. There was no administration of justice worth the name. Everything required overhauling. In addition to these troubles, the Marathas were a source of danger. The Emperor Shah Alam had left the protection of the British and gone to the Marathas. Haidar Ali in the Deccan was another threat. Warren Hastings had to meet all these difficulties.



Warren Hastings

Warren Hastings' Reforms.—Administrative Reforms. Warren Hastings carried out a large number of reforms and those may be discussed under four heads, *viz.*, administrative, revenue, commercial and judicial. As regards administrative reforms, Warren Hastings decided to put an end to the dual system of government in Bengal as established by Lord Clive in 1765. The Company was to take over the responsibility of administration of the province. It was to stand forth as Diwan and collect the revenue through the agency of its own servants. Mohammad Raza Khan and Raja Shitab Rai who were the deputy Nawabs of Bengal and Bihar were tried for

peculation and removed from their offices. However, they were honourably acquitted but the object was achieved. The treasury was shifted from Murshidabad to Calcutta. The young Nawab of Bengal was put under the control of Munni Begum, the widow of Mir Jafar. His pension was reduced from 32 lacs to 16 lacs.

Revenue Reforms. Although the Company had got the Diwani of Bengal, Bihar and Orissa in 1765, it had not taken over the work of collection of land revenue into its own hands. The work had been left in the hands of functionaries called Amils. The Amils were no better than contractors and the tenants suffered a lots. Although supervisors had been appointed in 1769, no improvement was made. Warren Hastings appointed a Committee and its President toured certain parts of Bengal to collect information. His conclusion was that the Company must directly collect the revenue. Consequently, Warren Hastings appointed collectors for revenue collection and administration. They were to be helped by native officers. Settlement was made for 5 years with the highest bidders. To supervise the whole organisation, a Board of Revenue was established at Calcutta. The system of farming out the land to the highest bidders for 5 years was found to be defective and consequently in 1777 the old system of bidding for a year was resorted to.

As the Mughal Emperor Shah Alam had left the protection of the British, Warren Hastings stopped the payment of 26 lacs of rupees a year. He also took over the districts of Kora and Allahabad from the Mughal Emperor and sold them to the Nawab Wazir of Oudh for Rs. 50 lacs. He made the accounts of revenue simple and intelligible and made many provisions for the protection of the ryots. He also cut off from the list a large number of Abwabs. The Banyas were prevented from lending money to the ryots.

Commercial Reforms. He prohibited the use of Dustuks by the servants of the Company and thereby added to the revenues of the Company. A large number of custom houses or Chowkies were hampering the growth of trade in the country and consequently he abolished them. In future there were to be only 5 custom houses at Calcutta, Hugli, Murshidabad, Patna and Dacca. The uniform reduction of 2½ per cent in duties on all goods except salt, betelnut and tobacco, was ordered. The result of all these reforms was that trade improved. Warren Hastings boasted that "goods passed unmolested to the extremities of the province."

Judicial Reforms. Warren Hastings carried out a large number of reforms in the judicial sphere. In 1772, he provided for the collection in each district of a provincial Court of Diwani Adalat for all civil cases. Over this court presided the Collector. Provision was made for appeal to the Sadar Diwani Adalat at Calcutta which consisted of the Governor and at least two members of the Council. Provision was also made for criminal courts. In the Faujdari Adalat sat the Kadi and Mufti of the district with two Maulvis to expound the law. It was the duty of collector to see that in criminal cases evidence was duly submitted and weighed and the decision was not only fair and impartial but also given in the

open court. The Faujdari Adalats were supervised by the Sadar Nizamat Adalat which was presided over by the Daroga Adalat appointed by the Nazim. The Daroga Adalat consisted of the Chief Kadi, the Chief Mufti and three Maulvis. The proceedings of the Sadar Nizamat Adalat were supervised by the Governor and the Council.

Provision was made for the improvement of procedure in the courts. The courts were not only to keep their records of proceedings but also send the same to the Sadar Diwani Adalat. The head farmers of the Parganas were empowered to try cases so that the ryots may not have to travel long distances in search of justice. Provision was made for arbitration by consent. In case of marriage, inheritance, caste and religious usage, the decision was to be given according to the Koran for the Mohammedans and Shastras for the Hindus. The decisions of the Mofussil Adalats were final up to Rs. 5,000. In other cases, an appeal could be taken. Faujdari Adalats were not allowed to pass death sentences. Fines over Rs. 100 were to be confirmed by the Sadar Adalat. Dacoits were to be executed in their own villages and their families were to be made slaves. Their villages were to be fined and the police officers who captured them, were to be given rewards. Warren Hastings made certain changes in 1774. The three provinces of Bengal, Bihar and Orissa were divided into six divisions and in each of these divisions a Council consisting of 4 or 5 covenanted servants of the English Company was created. Each division consisted of many districts and a Diwan or Amil took the place of the Collector. He collected revenue but also acted as judge. Provision was also made for the Provincial Court of Appeal.

A further change in the judicial system was made in 1780. Provision was made for the establishment of a court of Diwani Adalat in every division. This court was to be presided over by the Superintendent of the Diwani Adalat. He was to be an Englishman and a covenanted servant of the Company. The Provincial Courts of Appeal were deprived of their judicial powers. Up to Rs. 1,000 the decision of the Courts of Diwani Adalat were to be final and if the amount involved was more, an appeal could be taken to the Sardar Diwani Adalat.

There was constant conflict between the Supreme Court of Calcutta and the executive and consequently Warren Hastings appointed Sir Elijah Impey, the Chief Justice of the Supreme Court, as the sole judge of the Sadar Diwani Adalat. Impey held this office for two years when he was made to resign on account of criticism at home. However, he was able to introduce a large number of reforms which improved the administration of justice in the Mofussil.

In 1781, it was provided that Superintendents of Diwani Adalats were also to act as magistrates. They were to assist those persons who were suspected to have committed crimes. After arrest, they were to be sent to the nearest Mofussil Faujdari Adalat for trial.

Warren Hastings created a new department at Calcutta. Its

head was known as the Remembrancer of Criminal Courts. He was to receive all the reports and returns from the Mofussil Faujdari Adalats. His duty was to analyse those reports and prepare extracts from them. However, that work was not very useful.

Warren Hastings' Oudh Policy. Warren Hastings continued the buffer State policy towards Oudh. He was determined to continue good relations with the Nawab on account of the danger from the Marathas. In 1772, he concluded the Treaty of Banaras by which Kora and Allahabad were sold to the Nawab of Oudh for Rs. 50 lacs. If the Nawab paid a subsidy, the English Company was to lend him the aid of British troops whenever required.

The Rohilla War. The people of Rohilkhand were frequently attacked by the Marathas and consequently their ruler entered into a treaty with the Nawab Wazir of Oudh in 1772. It was agreed between the parties that if the Marathas invaded Rohilkhand, the Nawab Wazir was to help the Rohillas and get Rs. 40 lacs as the price of his help. The very next year, the Marathas invaded Rohilkhand, but retired on account of the approach of British and Oudh troops. The Nawab Wazir of Oudh demanded money and the Rohillas evaded it. Ultimately, the Nawab Wazir of Oudh contracted with the English Company to bear all the expenses of war and to pay Rs. 50 lacs in addition if he were given military help to conquer Rohilkhand. Warren Hastings accepted the proposition. British troops were sent. Rohilkhand was conquered. Hafiz Rahmat Khan, their leader, was killed. About 20,000 Rohillas were turned out from the country. The soldier of the Nawab committed atrocities on the innocent people of Rohilkhand and the country was annexed to Oudh.

Hastings' policy towards Rohilkhand has been severely condemned and it was one of the point of his impeachment. Undoubtedly, Warren Hastings was moved by two considerations. He wanted more money for the Company and this he could get from the Nawab of Oudh. Rohilkhand occupied a strategic position and its occupation by Oudh would protect Oudh from the attacks of the Marathas. If a policy is judged by its results, Hastings' Rohilla policy was more than justified. Rohillas were not strong enough to protect themselves from the attacks of the Marathas and it would have been a folly to allow them to fall into the hands of the Marathas. That would have seriously jeopardised the safety of Bengal itself. However, it is pointed out that the Rohillas had done nothing against the Company and consequently there was no moral justification for the English help to Oudh merely for the sake of money. The British arms were prostituted for hire. Moreover, such an action was against the instructions of the Directors. Such an interference created an unfortunate precedent. Anybody could hire the services of British troops on payment of money. It is contended that "the Rohilla war shold be beyond defence by any critic with principles."

Tral of Nand Kumar. Nand Kumar was a higher influential Brahman of Bengal. He not only moved in higher circles but also indulged in higher politics. He had been found guilty of carrying

on intrigues with those zamindars who had revolted against the English Company.

When differences arose between Warren Hastings and the members of his Council, Nand Kumar tried to take advantage of them. He accused Warren Hastings of having been bribed to dismiss Mohd. Raza Khan and of having sold several public offices. Philip Francis read the paper of accusation in the presence of Warren Hastings. Nand Kumar requested to be heard in person in support of his accusation. Warren Hastings refused to be confronted with Nand Kumar at his own Council table. He refused to allow his Councillors to sit in judgment over him. He dissolved the meeting and departed. In his absence, the other members of the Council called in Nand Kumar and decided to go on with the charges.

However, Nand Kumar was suddenly arrested and committed to prison on a charge of forgery. The Council of the Governor-General protested and remonstrated, but a jury of the Supreme Court found Nand Kumar guilty of forgery and he was sentenced to be hanged and was actually hanged.

The legality of the trial and conviction of Nand Kumar has been questioned. The Supreme Court has been accused of committing "a judicial murder." Critics point out that both that trial and conviction were illegal. There is a controversy whether the English statute of 1728 relating to forgery was applicable to Calcutta or not.

It was contended that there was a conspiracy between Sir Elijah Impey, the Chief Justice of the Supreme Court, and Warren Hastings. The conviction and execution of Nand Kumar were the outcome of that conspiracy. However, it is pointed out that Nand Kumar was not tried by the Chief Justice alone but by other judges of the Supreme Court as well. He was held guilty not only by all the judges of the Supreme Court but also by the members of the jury. However, it cannot be denied that the judges of Supreme Court examined the defence witnesses in such a way that the whole of the defence of Nand Kumar collapsed. That was an unusual procedure to adopt. Moreover, the judges of the Supreme Court rejected the application of Nand Kumar for leave to appeal to the King-in-Council. Although this was a very suitable case for leave to appeal, the same was refused. All these facts pointed out to the malafides of the judges of Supreme Court.

According to P. E. Roberts, "It is very doubtful whether the Supreme Court had any jurisdiction over the natives and there is practically no doubt at all that the English law making forgery a capital crime was not operative in India till many years after Nand Kumar's alleged forgery had been committed."

Case of Chet Singh. Balwant Singh, father of Chet Singh, was a vassal of the Nawab of Oudh. He was the first Raja of Banaras. In 1775, Banaras was transferred to the Company by the Nawab of Oudh and consequently the English Company became the overlord of Chet Singh. He paid annually rent of his land to the Company and the same could not be enhanced. However, he was bound to help his new masters in times of difficulty. In 1778, Warren

Hastings asked for a special contribution of Rs. 5 lacs from Chet Singh and the latter paid the same. Next year, a similar demand was made and was complied with after hesitation. In 1780, Chet Singh was asked to give two thousand horses. The Raja pleaded his inability and offered to provide one thousand horses. Although Hastings lowered his demand the Raja did not comply with the same. The Raja had also not paid his regular tribute. Warren Hastings was in great financial difficulty. He imposed a fine of Rs. 50 lacs on Chet Singh and marched to Banaras to realise the same. Chet Singh submitted to Warren Hastings who got him arrested. However, the Raja managed to escape. There was rioting and bloodshed. Situation was brought under control with some difficulty. Ultimately the Raja was deposed and his nephew was put in his place. The latter was required to pay tribute at double the rate.



Raja Chet Singh of Banaras

Warren Hastings' treatment of Chet Singh has been severely condemned. It is pointed out that Chet Singh was not bound to help the English Company if the latter was in financial difficulty. Moreover, Warren Hastings was too exacting. His conduct was unjust, improper and high-handed. It was tyranny pure and simple. The very purpose for which Warren Hastings took all the trouble, was defeated because the treasury of Chet Singh was looted by the troops and nothing fell into the hands of Warren Hastings.

Begums of Oudh The Nawab Wazir of Oudh owed a lot of money to the English Company and he was not in a position to pay. Warren Hastings wanted money very badly. The Nawab Wazir told Warren Hastings that he could pay the money only if he was allowed to resume the Jagirs and treasures held by his mother and grandmother, whe were known as the Begums of Oudh. Although both the Jagirs and treasures were guaranteed to the Begums by the Calcutta Council by the Treaty of Chanar of 1781, Hastings allowed the Nawab of Oudh to take possession of them. The Nawab hesitated to take action against his own mother and grandmother but he was forced to do so by Warren Hastings. The result was that British troops were sent to do the job. The place of the Begums was surrounded. The two eunuchs, who acted as stewards, were tortured in every possible way and ultimately were forced to part with the money. With the money thus secured, the Nawab Wazir was able to pay off the debts of the Company.

Dr. V. A. Smith defended the action of Warren Hastings on the ground of expediency. According to him, "Urgent necessities of the time justified Hastings in cancelling treaty obligation and putting a certain amount of pressure on the Begums to make them disgorge." He also stated that the treatment meted out to the Begums was mild according to the Indian standards. Moreover, Warren Hastings had no personal knowledge of coercive measures adopted by the troops of the Company. However, such a defence is insufficient to convince any impartial leader. It has been proved that Warren Hastings was the moving spirit throughout the period when the tragedy was being enacted. As a matter of fact, it was Warren Hastings who forced the hands of Nawab Wazir when the latter hesitated to take action against his mother and grandmother. The doctrine of urgent necessity cannot be put forward to justify all the acts of high-handedness on the part of the English troops and the civil servants. According to Sir Alfred Lyall, "The employment of personal severities under the superintendence of British officers in order to extract money from women and eunuchs is an ignoble kind of undertaking ; to push him (Nawab) and actively assist in measure of coercion against women and eunuchs was conduct unworthy and indefensible." Moreover, there is nothing to prove that the Begums of Oudh were in league with Chet Singh. If such was the case it was the duty of Hastings to put forward evidence in his possession to support this allegation.

Regulating Act and Council. The Regulating Act was passed in 1773 and it provided for the establishment of a Supreme Court of Calcutta and Governor-General's Council. This Council was to consist of four members and the Governor-General was given a casting vote only in the case of a tie. Out of the 4 members, 3 of them came from England and those were Clavering, Monson and Francis. Only Barwell was in India at the time of his appointment. From the very beginning, the three members who came from England started opposing Warren Hastings. The result was that on many occasions Warren Hastings was over-ruled and he was made to do things which he did not approve of at all. The majority of his Council condemned the Rohilla war. The British Resident at Lucknow was called back. Likewise, the Councillors recognised the claims of the Begums of Oudh to the Jagirs and the treasure. The same Council allowed Nand Kumar to denounce Warren Hastings in the Council itself.

The condition of Warren Hastings was so very difficult in his Council that on one occasion he instructed his agent to tender his resignation to the Company. However, things became better after a lapse of time. In 1776, Monson died a natural death. In 1777, Clavering died of dysentery. In 1780, Warren Hastings wounded Francis in a duel and the latter left for England. It has rightly been said that *"the members of the Council died, sickened and fled away."*

Warren Hastings and Supreme Court. The Regulating Act also set up a Supreme Court at Calcutta. Unfortunately, the powers of the Supreme Court were not clearly defined and that led to a conflict of jurisdiction between the Supreme Court of Calcutta and the

courts of the Company. There were frequent tussles between the two authorities. In the *case of Raja of Cossijurah*, the two authorities came into open conflict. In this case, the Supreme Court issued a writ of capius against the Raja for his arrest. The only way the defendant could save himself was by means of furnishing security. Instead of doing that, the Raja concealed himself and thereby avoided the service of the writ, and the same was returned without service. Warren Hastings was informed by the Collector that the Raja was a zamindar and was concealing himself to avoid the service of the writ and consequently the revenue of the Company was not being collected. Warren Hastings consulted the Advocate-General and directed the Raja not to appear or plead before the Supreme Court or in any way submit to its jurisdiction. A general notification was issued by the Government that zamindars were not subject to the jurisdiction of Supreme Court unless they accepted the same by their own consent.

The Supreme Court took up the challenge and issued another writ to sequester the land and property of the Raja. Sixty men, headed by a sergeant of the Supreme Court, were sent to execute the writ. The Raja complained that the persons deputed by the Supreme Court entered his house, beat and wounded his servants, broke open and forcibly entered his zenana, stripped his place of religious worship of its ornaments and prohibited his farmers from paying his rents.

The Governor-General and the Council instructed the Raja not to obey the process of the Supreme Court and ordered the troops of the Company to intercept the party of the Sheriff and retain them in custody. As a matter of fact, the troops of the Company caught hold of the party of the Court and brought them to Calcutta. The Supreme Court took action against the Advocate-General and the officers who had seized the Sheriff's party. The result was that the Advocate-General was put into prison.

Baboo Cassinaut brought an action against the Governor-General and the members of the Council individually for trespass. To begin with, the Governor-General and the members of his Council appeared before the Supreme Court, but later on they retired and refused to submit to any process which the Supreme Court might issue. A petition was signed by the prominent British inhabitants of Bengal and sent to British Parliament against the exercise of its power by the Supreme Court of Calcutta. The result was the passing of the Amending Act of 1781. One of the objects of the new Act was to give relief of certain "persons imprisoned at Calcutta under the judgment of the Supreme Court and also indemnifying the Governor-General and Council and all officers who have acted under their orders or authority in the undue resistance made to the process of the Supreme Court." The Act of 1781 reduced the powers of the Supreme Court and the conflict between the Supreme Court and the Court of the Company was avoided.

According to Prof. Davies, "The importance of the Regulating Act in Hastings' life can hardly be over-estimated. It marked a milestone in his career for the whole of the rest of his administration

was to be spent under the sway of this Act, he being the only Governor-General of India to suffer that unhappy fate. Its consequences to India in general were to be serious but to him personally they were to be nothing less than catastrophic. For if ever a man has had his life ruined for him by Act of Parliament, that man was Warren Hastings. The story of his life during the next twenty years may be simply stated in two sentences, thus : Parliament by passing this Act was the prime cause of the troubles and difficulties in which he immediately became involved : and Parliament by impeaching him for the way he extricated himself from these difficulties shifted on to his shoulders the responsibility for its own negligence and folly...... Perhaps, if anybody deserved impeaching it was Lord North, the author and executor of the Act."

According to the same author, "Contemporary opinion on the merits of the Act was very varied. It naturally accorded with George the third's ideas, and he expressed pleasure at its smooth passage to the statute book. Equally naturally, it was bitterly resented and condemned by the Company and its friends. Burke denounced it as '*an infringement of national right, national faith, and natural justice.*' Others of them described it as a medley of inconsistencies, dictated by tyranny, yet bearing throughout each line the mark of ignorance."

"The mark of ignorance was, indeed, but too plainly visible, nor need it excite surprise. The framers of the Act were utterly ignorant of India and had not, it would seem, deemed it fit to consult those with the possible exception of Lord Clive, who could have given them good advice. Lord North might have paid heed to Hastings' views, but the Act was passed before he had time to deliver them. The suspicion rests upon Ministers of thinking more about obtaining for the Crown a share in the extensive patronage rights of India than providing its government with a sound, workable constitution. In the eyes of both the supporters and the opponents of the Act, the chief point at issue was the rights of the East India Company.

"A recent verdict on the Act is that is was 'probably on the whole an honest attempt to deal with a difficult problem.' Yet, even if conceivably this be so, the fact remains that by passing it Lord North very nearly achieved a double title to fame as the minister who lost Great Britain her Eastern as well as her Western Empire. The man who was to save him from this ignominy was Warren Hastings."

Foreign Policy of Warren Hastings : First Maratha War (1778-82). In 1772, Narayan Rao became the Peshwa after the death of Madho Rao. However, he was murdered at the instigation of Raghoba who himself wanted to become the Peshwa. Nana Farnavis took up the cause of the posthumous son of Narayan Rao against Raghoba. The latter asked for English help. By the treaty of surat (1775),[1] Raghoba agreed to give to the Government of

1. As regards the details of this treaty, the former treaties concluded between the Government of Bombay and the Marathas in 1739 and 1756 and all other agreements between the two Governments were ratified and confirmed. Both parties agreed to abstain from assisting the enemies of the other. The (*Contd. on page 69*)

Bombay Salsette and Bassein as the price of English help. This was done without the knowledge of the Governor-General. The English attacked Salsette and defeated the Marathas at Arass. Both the Governor-General and the Calcutta Council disapproved of the treaty of Surat. A new treaty was concluded called the *Treaty of Purandar* (1776). According to it, all places including Bassein taken by the English during the war since the Treaty of Purandar were to be restored to the Peshwa. The Island of Salsette and the small ones near Bombay were to remain in the possession of the English. The city of Broach was to remain with the English. The territory conquered in Gujarat by the English was to be restored to the Peshwa and the Gaikwad to whom they belonged. The English were not to give support to Raghunathrao in money or otherwise. He was to choose his residence and Rs. 25,000 a month were to be paid by the Peshwa for his maintenance. However, the Directors of the Company approved of the Treaty of Surat and war had to be continued. The English were defeated and had to conclude the Convention of Wargaon by which they promised to surrender Raghoba, restore all acquisitions made by them and give British hostage. Warren Hastings refused to ratify the convention. Goddard marched from Bengal to Surat. He captured Ahmedabad and made an alliance with the Gaikwad of Baroda. He was defeated when he advanced towards Poona. Major Popham captured Gwalior, the capital of Scindia. Colonel Gamac was successful in surprising the camp of Scindia. A confederacy was formed against the English in 1779 and it included the Nizam, Haidar Ali and the Marathas. However, Warren Hastings was able to bribe the Raja of Nagpur and make peace with Scindia.

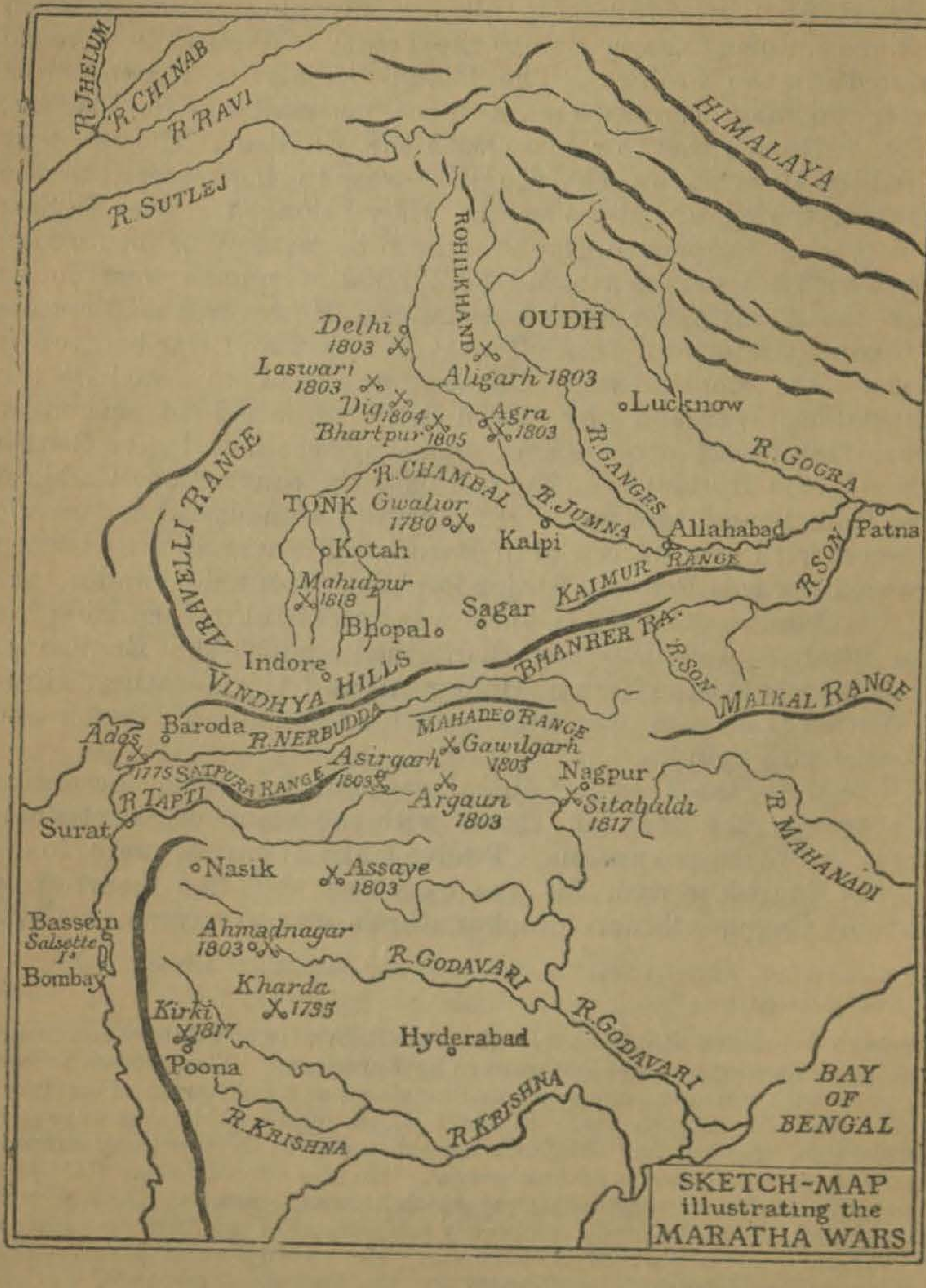
Ultimately, the *Treaty of Salbai* was signed in 1782. According to this treaty, the fort of Thana with the island of Salsette was to remain in British possession. Twelve lakhs of rupees were to be paid to the English in cash for the expenses they had incurred on account of Raghunathrao. Raghunathrao was to receive an allow-

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(*Contd. from page 68*)

English were to assist Raghoba (Raghunath Rao) with a military contingent of 2,500 men of which at least 700 were to be Europeans. Those forces were to be equipped with "proper guns and war-like stores as a field train of artillery". To begin with, the English were to send 1,500 men and the rest were to be sent afterwards, if asked for. Raghoba agreed to pay to the Company annually Rs. 75,000/- from the revenues of Ankleshvar. He also agreed to pay Rs. 1½ lacs every month for the military assistance which he was to receive. As a security for the payment, Raghoba made temporary assignment of the Districts of Amod, Hasot, Versaul and a part of Ankleshvar. He was to deposit jewels valued at Rs. 6 lacs to the English "as a security for the promised advance, pledging himself to redeem them". He also agreed to give to the English in perpetuity Bassein, Salsette, Jambusar, Olpad and small Islands adjacent to Bombay. He also agreed to procure for the Company the Gaikwad's share of the revenue in the town and parganas of Broach. Maratha raids into Bengal and the Carnatic were to stop. Any peace made with the Poona Government was to include the English. Raghoba was to defray all expenses that might be incurred in taking possession of any of the places ceded to the Company. He was to assist the ships of the Company or of persons under their protection, if wrecked, and to protect the cargoes. The Company agreed to establish Raghoba "at Poona in the Government of the Maratha Empire."

ance of Rs. 3,15,000 only for his maintenance. He was to withdraw completely from the State affairs. The English were to retain the territory they had conquered in Gujarat and to cease to interfere with the affairs of the Gaikwad.



SKETCH-MAP illustrating the MARATHA WARS

According to Smith, the Treaty of Salbai was one of the great landmarks in the history of India. However, Hastings' Maratha policy has been condemned. It is pointed out that the English got nothing more than what they had already got by the Treaty of Purandar. The loss of men and money was superfluous. From the point of view of the Marathas, the Treaty of Salbai was a great mistake. It was brought about by the nervousness and selfishness of Scindia. If war had been continued, history might have been written otherwise. The peace which was established by Warren

Hastings with the Marathas was a stroke of diplomacy which was invaluable to him in his southern wars.

According to Keene, "This treaty made an epoch in history. It was by means of this Treaty that without annexing a square mile of territory the British power became virtually paramount in the greater part of the Indian peninsula, every province of which with the one exception of Mysore acknowledged that power as the greatest universal peace maker." According to Sardesai, "This Treaty forms an important landmark in the political history of India and it was being shaped for over a year. The British tried their hand against the Marathas and suffered a set-back from which they found it difficult to recover their position. Nana long continued to point out to Mahadji the flaws and shortcomings of that clumsy agreement and urged that Upton's Treaty and the contract of Wadgaon should be fully carried out. But Mahadji had no other alternative and did, it must be admitted, honestly try to secure the best bargain possible. The fort of Thana and the fertile Island of Salsette were finally lost to the perpetual regret of the Maratha nation. Mahadji certainly raised his own importance by accepting the guarantee for the proper observance of the terms. Hastings honoured him by offering his own friendship and allowing him a free hand in the management of the imperial affairs for which Hastings came to be censured by British diplomacy and which Mahadji did not fail to make the basis of his future rise." (*New History of the Marathas*, Vol. III, pp. 119-120).

According to Dr. Shanti Prasad Verma, the Treaty of Salbai forms an important landmark in the political history of India. But Keene was certainly exaggerating its effects on the future of British Empire in India. V. A. Smith was less sweeping in his observation than Keene when he wrote that this Treaty not only assured peace with the formidable power of the Marathas for 20 years but "marked the ascendancy of the English as the controlling, although not yet the paramount government in India." Lt. Col. Luard is right when he says that the Treaty "formed the turning point in the history of the English in India." But he is merely paraphrasing Keene and V. A. Smith when he adds that without the acquisition of any fresh territory, it established beyond dispute the dominance of the British controlling factor in Indian politics, their subsequent rise in 1818 to the position of the paramount power being an inevitable result of the position gained by the Treaty of Salbai." Warren Hastings took a more realistic view when he modestly described it as "a successful negotiation of peace. . .in the most desperate period of my distresses." For the English, the Treaty of Salbai was a clear acknowledgment of failure. According to Janse and Banaji, "the phrase 'annexing a square inch' smacks of historical travesty in the light of the appalling territorial and political sacrifices which the Governor-General consented to make... Territories acquired by consent or Treaty were restored ; indemnities which the Poona Darbar had promised to pay by the Treaty of Purandar were written off ; the Treaty formally acknowledging the Gaikwad's political independence was torn up like a scrap of

paper ; Fateh Singh Gaikwad reverted to his pre-war state of quasi-vassalage ; the Marathas attacked the British shipping with impunity. Yet we are asked to believe that by the Treaty of Salbai, British power virtually became paramount in the greater part of the Indian peninsula". According to Dr. Verma, "the loyalty of the Maratha chiefs had never been really put to the test before. It was now put to the test and not found wanting. With the exception of Raghoba not a single Maratha chieftain willingly colluded with the English. Everybody put his shoulder to the wheel and gave the confederacy whatever strength he could. All internal differences were set aside. There were grumblings but they were gracefully expressed. Weakness was tolerated ; every little contribution made to the common cause was given its due recognition......The Treaty of Salbai was the result of closest collaboration between the two leading figures of the Maratha State. Nana Phadnavis and Mahadji by their supreme exertions in war and peace saved the Maratha Empire for a period of 20 years by pushing back the rising tide of the English aggression from their territories and regaining their losses. (*A Study of Maratha Diplomacy*, p. 390).

According to Dr. Sailendra Nath Sen, "The treaty of Salbai formed an important landmark in the history of India as it secured to the English the alliance of the most formidable power in the country. The foundation on which the British Empire in India rested in the last quarter of the eighteenth century was weak. The structure which Clive had created was not yet sufficiently strong to resist the sweep of the invasions of the Marathas and the Mysoreans. It was left to Hastings to turn the tide by converting the Marathas to an alliance with the English against Haidar Ali. In the political game of chess Hastings had won and in this respect the treaty of Salbai 'marked the ascendancy of the English as the controlling, although not yet the paramount government in India," (*Anglo-Maratha Relations, 1772-1785, p. 210*).

Second Mysore War (1780-84). Before we discuss the Second Mysore War, it is desirable to refer to the First Mysore War (1766-69). It was in 1766 that the Nizam, the Marathas and the English formed a strong coalition against Haidar Ali. It was out of the question for him to resist all the three and consequently he was able to dispose of the Marathas and Nizam. Then with the help of the Nizam, he attacked the English forces, but was defeated in 1767 by Colonel Smith. At this stage, the Nizam left Haidar Ali and went over to the side of the English. The latter made peace with the Nizam and agreed to pay tribute to him for the Northern Sircars. The English Company also entered into an offensive and defensive alliance with Haidar Ali.

Haider Ali carried fire and sword throughout the Carnatic and reached the neighbourhood of Madras. The Madras Government was frightened and consequently entered into a treaty with Haidar Ali. It was provided that both the parties were to restore the places conquered by each. The treaty also provided for reciprocal assistance in a defensive war. It was in this way that the first Mysore war ended.

As regards the Second Mysore War, its immediate cause was the capture of Mahe and other French settlements in India by the English Company. Haidar Ali protested, but the English Company ignored the same. He thought of having his revenge and declared war against the English. During the course of the war, Haidar Ali "swept with the broom of desolation" the whole of Carnatic. An English brigade under Colonel Baillie was surrounded and forced to surrender. In 1780, Haidar Ali captured Arcot. Sir Eyre Coote defeated Haidar Ali in 1781 at Porto Novo. There was another small success for the British at Sholingur. The English also captured Negapatam and Trincomali. At this time, a French fleet under Suffrein appeared and recovered Trincomali. Haidar Ali reconquered Cuddalore from the English. Unfortunately, he died in 1782 in the midst of war.



Haidar Ali

After the death of Haidar Ali, Sultan Tipu carried on the war. However, Tipu did not possess the stuff of which his father was made. War dragged on for some time more and ultimately was signed the treaty of Mangalore in 1784. By this treaty, both the parties agreed to a mutual restitution of conquests and exchange of prisoners.

Estimate[1] of Warren Hastings. It goes to the credit of Warren Hastings that from an ordinary writer of the Company, he rose to the position of the Governor-General of Bengal. In spite of the difficulties which he had to encounter in the country, he was able to accomplish a lot. It should not be forgotten that whatever he accomplished in India was done in spite of the opposition in India and the lack of support at home. His colleagues in the Council were always ready to outvote him and harass him in any manner they could. He had to fight many wars and that also at a time when he was practically getting no help from the mother country as the latter was busy in a life and death struggle in North America. All the European States tried to exploit the situation created by the American War of Independence. While the Home Government lost the American colonies, it goes to the credit of Warren Hastings that he was able to consolidate the British position in India.

It is true that he made many mistakes of omission and commission and for those mistakes he was impeached on his return to

1. "Warren Hastings had both the virtues and the unscrupulousness of an empire builder."

England. The trial lasted from 1788 to 1795.[1] In spite of the inconvenience and expense to which he was subjected by the impeachment, he was ultimately honourably acquitted.

According to Lord Macaulay, Warren Hastings "dissolved the double government. He transferred the direction of affairs to the English hands. Out of a fruitful anarchy, he educed at least a rude and imperfect order. The only quarter in which Britain lost nothing was the quarter in which her interests had been committed to the care of Hastings. In spite of the utmost exertions of both European and Asiatic enemies, the power of our Company in the East greatly augmented."

In his reply to his impeachment, Warren Hastings declared thus: "The valour of others acquired, I enlarged and gave shape and consistency to the dominion which you held there; I preserved it; I sent forth its armies with an effectual but an economic hand, through unknown and hostile regions to the support of your possessions; to the retrieval of one (Bombay) from degradation and dishonour; and of the other (Madras) from utter loss and subjection. I maintained the wars which were of your formation or that of others, not of mine."

Warren Hastings was the oldest of the able men who gave to Great Britain her Indian empire. He was a versatile genius. He had a limitless energy and strong determination. He was the first foreign ruler who succeeded in gaining the confidence of the princes of India.

According to Lord Curzon, "I doubt if in the entire history of public affairs any man has been so cruelly persecuted or more persistently tried. Surrounded by vindictive enemies, daily outvoted and insulted in his own Council, accused by his colleagues of the meanest of crimes, confronted by a series of situations that might have daunted the most heroic spirit, with an empty treasury and a discontented service, and beset by frequent ill-health, Hastings showed a patience, a fortitude, a fertility of resource, and a self-control that could only have proceeded from a character profoundly conscious both of its own integrity and its power to prevail." (*British Government of India*, Vol. I, p. 152). Again, "Side by side with this deep tenacity of purpose, there was to be found in his nature a tender-heartedness and generosity which, while it was constantly imposed upon by the crowd of blood-suckers, mendicant friends, and impoverished relatives who infested him on every side, and while it tempted him sometimes in its public aspect to repose undue confidence in quite unsuitable and unworthy persons (witness his unfortunate selection of Major Scott as his Parliamentary Agent in England), rendered him incapable of parsimony in his own interest, and left

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[1] Burke took a prominent part in the denunciation of Warren Hastings. According to Lord Morley, "Looking back across the ninety years that divide us from the memorable scene in the Westminster Hall, we may say that Burke had more success than at first appeared. If he did not convict the man, he overthrew a system and stamped its principles with lasting censure and shame. That Hastings was acquitted was immaterial. The lesson of his impeachment had been taught with sufficiently impressive force; the great lesson that Asiatics have rights, and that Europeans have obligations".

him, almost alone among the higher civil servants of that time, in constant need of money, and, when he retired, in possession of a fortune which in those days might fairly be regarded as modest and which had been acquired by honourable means. Even Macaulay pauses in his full-throated declamation to offer a halting tribute to Hastings' general uprightness with respect to money."

"There were many other attractive features in the character of the Governor-General. He was almost the only one in the long list of the British rulers of India who took a real interest in literature; scholarship and the arts. His correspondence with the 'Great Cham' which is referred to and in part quoted in Boswell's Life, is well-known. So is Boswell's appreciation of him as a man the extent of whose abilities was equal to that of his power, and who, by those who are fortunate enough to know him in private life, is admired for his literature and taste, and beloved for the candour, moderation and mildness of his character. Hastings was well-versed in Persian and Arabic literature, and tried to establish a Persian Professorship at Oxford University. He founded with Sir William Jones the Asiatic Society of Bengal, instituted the Mohammedan Madrassa or College at Calcutta, and patronised, even if he did not understand Sanskrit. His library, both in India, where it was constantly replenished, from England, and after his return, at Daylesford, testified to the wide range of his reading. Like most cultured men of that day he dabbled in versification, of a somewhat academic and pedestrian character, whether it took the form of translation from the classics or of poems of his wife. On the other hand, he was the master of a nervous and polished literary style, and even the author of 'Junius', no mean authority, admitted that 'there was no contending against the pen of Hastings'. Macaulay acclaimed him as the real founder of the school of official writing in India. He was the friend and patron of painters, as was testified by the many portraits of him by the foremost artists of the day; and he encouraged the visits to India and the artistic work of Hodges, Zoffuny and Devis." (*Ibid.*, pp. 154-55).

According to Prof. A.M. Davies, "Hastings has always been and will always remain the subject of controversy. He has suffered from friend and foe alike; from opponents who have used unmeasured and undeserved invective, from admirers who can see nothing but wisdom and ability in his career. The knowledge which most Englishmen have of Clive and Hastings has filtered through the rhetoric of Macaulay. But even admirers of Macaulay's famous essays, with their purple patches like those which describe the night Clive spent before Plassey and the great trial of Hastings in Westminster Hall, must admit that Macaulay took a partial and even a prejudiced view of some of the events, and those whose sympathies are with Hastings must often wish that an historian with the pen and powers of Macaulay would have written in defence of Hastings.

"To some extent Clive's work was done once for all. Hastings' work is still being tested, for he laid some of the foundations of our rule and traditions in India. It was the work of a statesman and a scholar and his labours for research into the past history of Indian literature and religion were beyond praise."

According to the same writer, "The achievement of Warren Hastings in India is not to be estimated by the criteria usually applied to empire-builders—the number of battles won and enemies vanquished, the number of square miles of territory conquered and annexed, the plunder and the glory amassed. His generals gained few battles ; only the Rohillas and Chait Singh were vanquished ; there were no conquests or trophies of victory ; there was no plunder and little glory ; all the superficial evidences of success were strikingly lacking. To outward appearances he had done no more than justify his retention of his post and the trust reposed in him, by bringing the Company safely through a great crisis with its territories intact and its resources unimpaired. Actually, however, he had achieved immeasurably more and to estimate what that more was we have only to recall the extent of British power in India at the beginning of his administration ; and to compare it with what it was at the end, On the one hand, two weak footholds on the coast at Madras and Bombay, undisputed but undefined authority over the vast, chaotic, famine-stricken province of Bengal, a weak alliance with one native State, no friends, no security, bankrupt finances, demoralized officers, incompetent leaders. And on the other hand, an empire in being that had conclusively proved itself to be the most powerful State in India, an empire that was built on secure foundations, buttressed with treaties and alliances, doubly strong because it had gained the respect and goodwill of no small part of the Indian world, and that only required a continuance of the same able statesmanship to become the paramount power. The contrast is a fair measure of Hastings' achievement."

According to J. S. Cotton, "Indians and Anglo-Indians alike venerate Hastings' name, the former as their first beneficent administrator, the latter the most able and the most enlightened of their own class. If Clive's sword acquired the Indian empire, it was the brain of Hastings that planned the system of civil administration and his genius that saved the empire in its darkest hour." "Hastings made no conquest, but his subsidiary system paved the way for the final overthrow or defeat of every power that sought to hinder the growth of our Eastern empire."

According to another writer, Hastings applied unreservedly the energy, boldness, tenacity and resource which enabled him to grapple successfully with his enemies. He may be described with justice as the Indian Pitt, the Chatham of the East.

We may conclude with the following words of P.E. Roberts : "Hastings was perhaps the greatest Englishman who ever ruled. A man who with some ethical defect possessed in a super-abundant measure, the mobile and fertile brain, the tireless energy and the lofty fortitude which distinguishes only the supreme statesman."

Pitt's India Act (1784). This Act was passed by the British Parliament in 1784. It provided for a Board of Control. A kind of dual control was established from the Home Government. This system continued up to 1858. The Pitt's India Act was changed in 1786 with a view to giving special powers to Lord Cornwallis.

Sir John Macpherson (February 1785-September 1786). When Warren Hastings left India in 1785, Sir John Macpherson, the senior member of the Executive Council of the Governor-General, became the Governor-General of Bengal. During the term of his office, he carried out many reforms, with a view to effecting economies in the expenditure of the Company. At this time, Mahadji Scindia was very strong. He got control over the Moghul emperor and was able to get from him the provinces of Agra and Delhi. He demanded Chouth even from the English Company, but the same was refused. Macpherson was relieved by Lord Cornwallis in 1786.

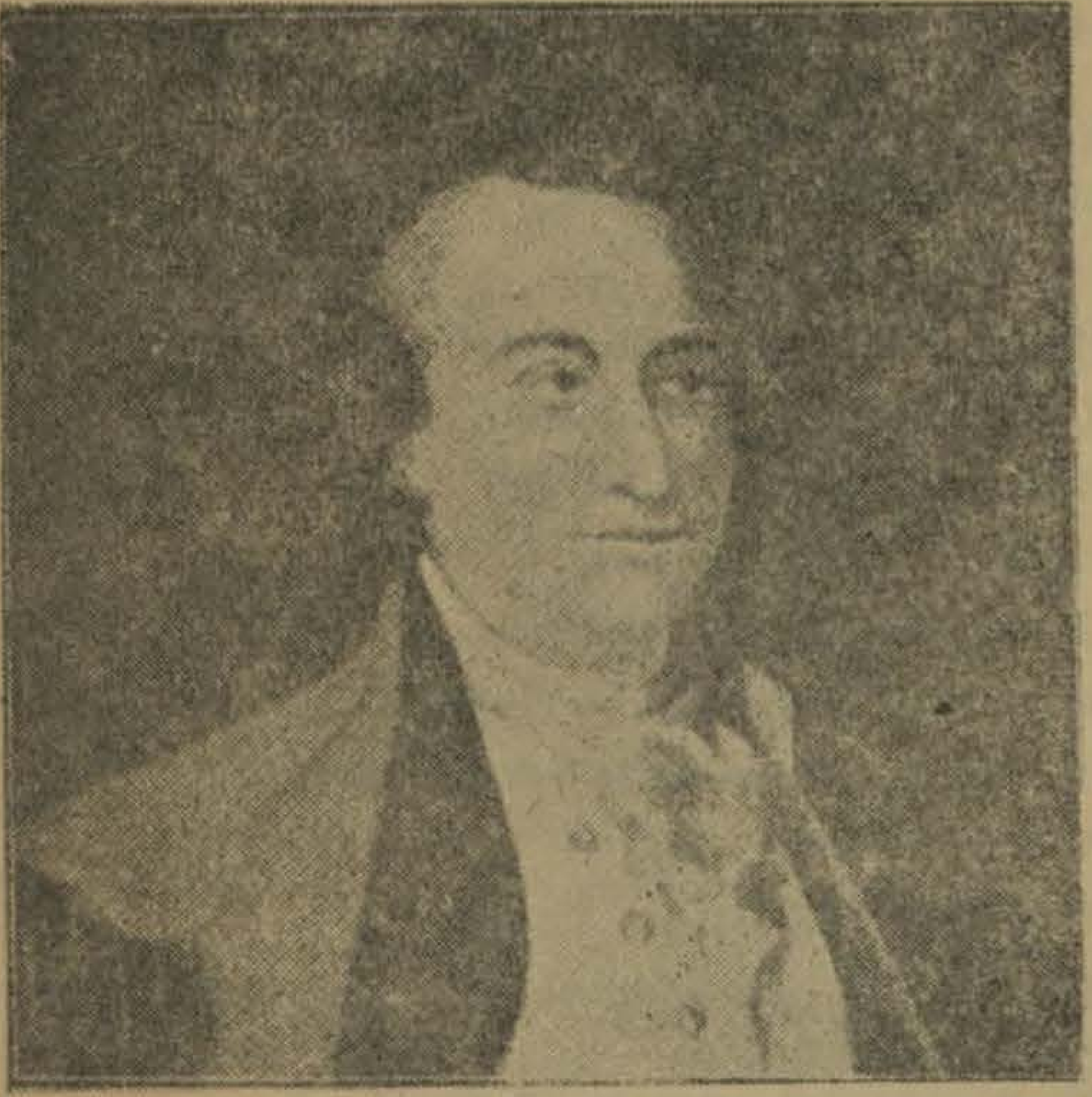
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CHAPTER VI

LORD CORNWALLIS AND SIR JOHN SHORE

Lord Cornwallis (1786-1793). Unlike Warren Hastings, Lord Cornwallis belonged to a high respectable family of England.



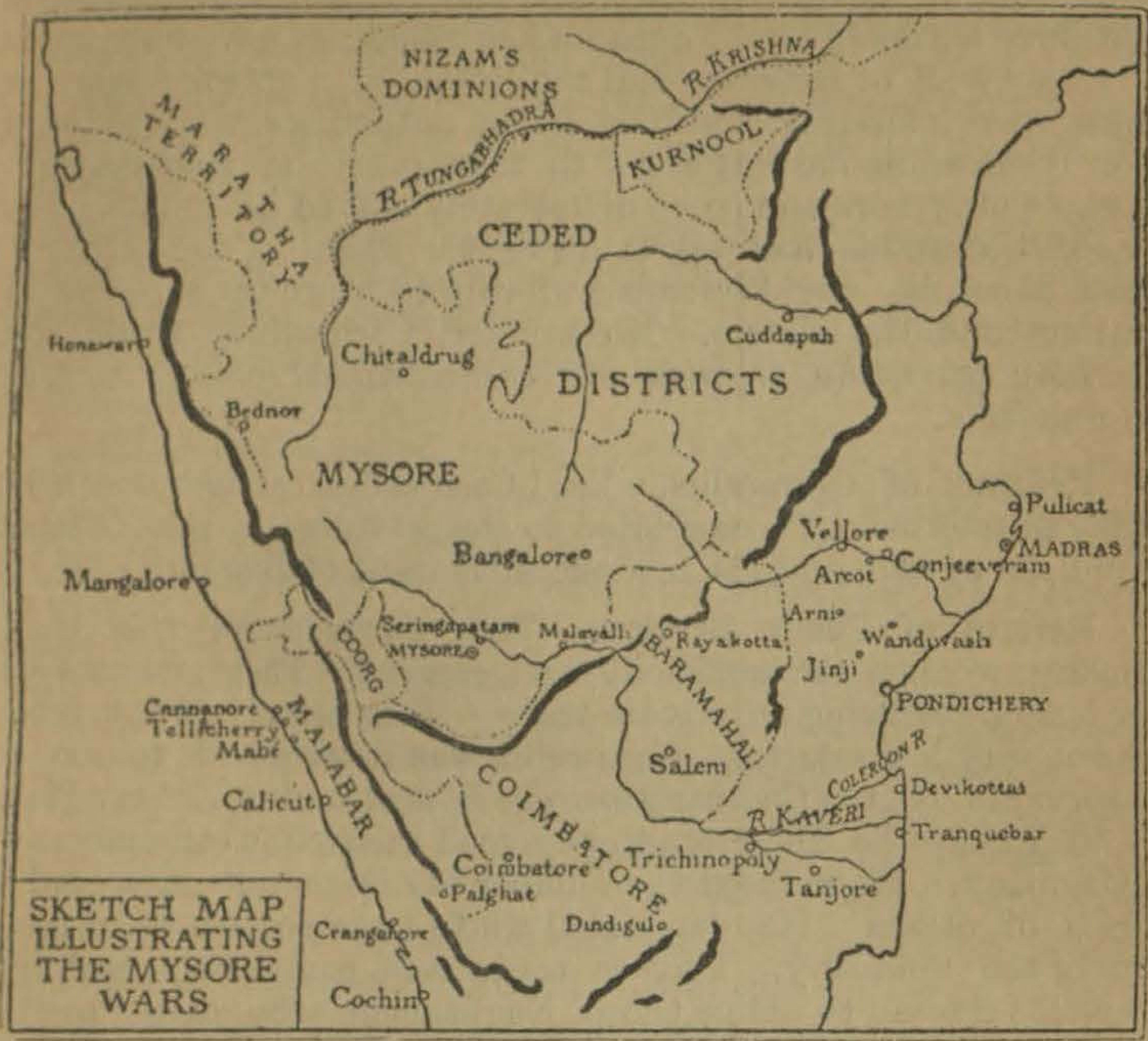
Lord Cornwallis

Before his appointment as Governor-General of Bengal, he had acted as the Commander-in-Chief of the British armies in North America in the American War of Independence. It was he who had surrendered at York Town and thereby brought to a close the War of American Independence. He accepted the office of the Governor-General with great hesitation. It was for his sake that the Pitt's India Act was amended in 1786 so that he might combine in himself the powers of the Governor-General and the Commander-in-Chief. He was also given the power to over-rule the members of his Executive Council. Throughout the period of 7 years when he acted as Governor-General, he enjoyed the confidence of the Board of Control and the Prime Minister of England. No wonder, he was able to accomplish a lot. The work of Cornwallis can be discussed under two heads : **foreign policy** and **internal reforms**.

Foreign Policy. As regards his foreign policy, he was determined to follow a policy of non-intervention into the affairs of the Indian States as laid down in the Pitt's India Act. It may be pointed out that the Pitt's India Act contained the following clause : Whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, honour and the policy of this nation, the Governor-General and his Council were not, without the express authority of the Court of Directors or of the Select Committee, to declare wars or commence hostilities or enter into any treaty for making war, against any of the country princes or States in India." In pursuance of this policy, Cornwallis refused to help the son of Shah Alam to recover his throne of Delhi. He gave a stern warning to Mahadji Scindia against interfering into

the affairs of Oudh. However, he could not avoid a war against Sultan Tipu.

Third Mysore War (1790-92). Lord Cornwallis entered into an alliance with the Nizam and the Marathas with a view to fighting



SKETCH MAP ILLUSTRATING THE MYSORE WARS

against Tipu. In 1788, he got Guntur from the Nizam and the latter asked for British troops to recover certain territories from Tipu by the treaty of Mangalore. The English had recognised the right of Tipu to those districts now claimed by the Nizam. In spite of this, Cornwallis agreed to give troops to the Nizam against Tipu. This made Tipu furious. He attacked Travancore which was in alliance with the English Company and the war began.

To begin with, things did not go in favour of the English Company in spite of the help from the Marathas and the Nizam. In 1790, Cornwallis himself took the command. He captured Bangalore and defeated Tipu but was forced to withdraw on account of shortage of supplies. In 1792, Cornwallis captured the hill forts of Tipu and advanced upon Seringapatam. The Marathas completely destroyed the Mysore territory. Finding his position helpless, Tipu sued for peace and the *Treaty of Seringapatam* was concluded in 1792. By this treaty, Sultan Tipu had to give up half of his territory. He was to pay a war indemnity of 3½ crores of rupees. He was to surrender two of his sons as hostages. The English, the Nizam and the Marathas divided the acquired territory among themselves. The English got Malabar, Coorg, Dindigul and Baramahal. The Marathas got territory on the north-west and Nizam on the north-east of Mysore.

Critics point out that Cornwallis could easily depose Sultan Tipu and annex the whole of Mysore. Had he done so in 1792, no necessity for the fourth Mysore War would have arisen in the time of Lord Wellesley. However, Cornwallis was wise in not doing so. He followed a policy of caution. The Marathas and the Nizam might have betrayed him. Such an act would not have been approved by the Court of Directors and the Board of Control. War with France was imminent and the home authorities were asking for peace. Cornwallis was not eager to take over the management of the whole of Mysore and so he deliberately stayed his hands. Moreover, if Cornwallis had taken away the whole of the territory of Sultan Tipu, he would have been forced to share the same with the Marathas and the Nizam. No wonder, Cornwallis wrote this : *"We have effectually crippled our enemy without making our friends too formidable."*

Reforms of Cornwallis. Lord Cornwallis carried out a large number of reforms. Those related to the services of the Company, the judicial system and the revenue settlement of Bengal.

Reform of Public Services. The servants of the English Company were both inefficient and corrupt. They spent a lot of their time in carrying on private trade. They were corrupt because they got very low salaries. Cornwallis was determined to see that the servants of the Company become honest and upright. He was able to induce the Directors to pay good salaries to the servants of the Company. He reduced the number of offices but increased the salaries of others. He demanded whole-time service from the servants of the Company. Private trade was completely prohibited. Cornwallis refused to oblige those Englishmen who came to India with chits from the Directors and the members of the Board of Control. On one occasion, he refused to oblige so great a person as Dundas, President of the Board of Control.

While making appointments, he gave the best jobs only to the Europeans in general and the Englishmen in particular. He was convinced that the Indians were unworthy of trust and they could not be allowed to fill in any but the humblest offices in the government. The exclusion of the Indians from all effective share of the Government of their own country was almost without a parallel. Cornwallis treated the Indians with scorn. He stigmatized the whole nation as unworthy of trust and incapable of honourable conduct. The Cornwallis system was calculated to debase rather than uplift the people fallen under the dominion of the Company. He would have got the same amount of loyalty, efficiency and uprightness from the Indian officers as he got from the Europeans and Englishmen if he had given them the same salaries.

Judicial Reforms. Cornwallis carried out his judicial reforms in 1787, 1790 and 1793. The reforms made by him in Bengal, Bihar and Orissa served as model for Madras and Bombay.

The main object of the reforms of 1787 was *economy*. The number of districts was reduced from 36 to 23 and for each district an Englishman who was a covenanted servant of the English Com-

pany, was made the Collector. The latter was not only to collect revenue, but was also to act as a magistrate and judge. The Collector was required to perform the three duties separately in three different capacities and not to combine them and exercise them all at one time. While sitting in the revenue court, he was not to exercise the powers of a magistrate and *vice versa*. Appeals were to be taken to the Board of Revenue at Calcutta from the decisions of the Maal Adalats. The final appeal in Revenue cases was to be taken to the Governor-General-in-Council.

As regards civil cases, an appeal could be taken to the Sadar Diwani Adalat if the amount involved was more than Rs. 1,000. Ordinarily the decision of Sadar Diwani Adalat was final. However, if the amount involved was more than Rs. 5,000 an appeal was to be taken to the King-in-Council.

Provision was made for the creation of the office of the Registrar. The Collector as a judge of the Mofussil Diwani Adalat was given the power to forward the cases up to Rs. 200 to the Registrar. The decisions of the Registrar became valid only when they were countersigned by the Collector as a judge.

The one great defect of the system of 1787 was the concentration of too many powers in the hands of the Collector. Those powers were not only uncontrollable but in actual practice uncontrolled. The combination of the functions of the collector, magistrate and judge in the hands of one person was against the theory of separation of powers. The judiciary could not be independent of the executive.

Cornwallis made certain reforms in the *criminal justice* of the country in 1790. The Sadar Nizamat Adalat was shifted to Calcutta. It was provided that that court was to meet at least once a week to transact business. It might meet more than once. It was required to keep a regular record of the work done by it. It was given the authority to recommend cases to Governor-General-in-Council for mercy. The control of the Nawab over the Sadar Nizamat Adalat was completely abolished. This work was to be done by the Governor-General-in-Council with the help of chief Kadi and two Mufties.

Lord Cornwallis provided for the establishment of four courts of circuit. The three provinces of Bengal, Bihar and Orissa were divided into four divisions and for each of those divisions a court of circuit was provided. Each circuit court was presided over by two covenanted servants of the English Company. It was held by the chief Kadi and Mufties who were appointed and removed by the Governor-General-in-Council on the ground of misconduct or incapacity for the performance of their functions. Each circuit court was required to move in its division for the disposal of cases. The decisions of the circuit court were to be executed by the magistrates. In the case of punishment of death or perpetual imprisonment, the decision of the circuit court had to be confirmed by the Sadar Nizamat Adalat.

The Collector of the district was made a magistrate. He was given the duty of apprehending murderers, robbers, thieves, housebreakers and other disturbers of peace. If after preliminary enquiry,

the Collector found that there was no *prima facie* case against the accused, he acquitted him. If he found the accused guilty in a petty case, he convicted him. But in serious cases, it was his duty either to put the accused in Faujdari jail to stand his trial before the circuit court or let him off on bail till the time the court of circuit met at the district headquarters. There were certain cases in which the Magistrate was not allowed to let off the prisoners on bail, *e.g.*, murder and robbery.

Cornwallis had found that on account of low salaries the judicial officers were taken from the dregs of society. They were also tempted to accept bribes. Cornwallis provided for liberal salaries so that men of character and ability might join the judicial service. He defended the additional expenditure on the ground that it was necessary for the administration of justice.

Other changes were made by Cornwallis in 1793. The Maal Adalats or revenue courts were abolished and all revenue cases were transferred to the ordinary civil courts known as Diwani Adalats. Provision was made for the establishment of a court of Diwani Adalat in every district of the three provinces. Every such court was to be presided over by a covenanted servant of the Company. At the time of taking office, the judge was required to take a prescribed oath. Diwani Adalats tried both civil and revenue cases, but they had nothing to do with criminal cases. Ordinarily, cases were to be tried according to Hindu law or Mohammedan law. However, if there was no specific provision on any point, the same was to be disposed of according to justice, equity and good conscience.

A Regulation of the same year made the servants of the Company liable before the courts of justice. It was provided that the natives of India were to be allowed to bring cases against British subjects in the Diwani Adalats if the amount involved was not more than Rs 500. If it was more than Rs. 500 the suit had to be filed in the Supreme Court at Calcutta.

Even those cases in which the Government was a party were to be tried by the ordinary civil courts.

Provision was made for four provincial courts of appeal for the three presidencies. Their headquarters were to be at Calcutta, Murshidabad, Dacca and Patna. Every provincial court of appeal was to be presided over by three covenanted servants of the English Company. These courts were given both original and appellate jurisdiction. Their decisions were final in cases involving Rs. 1,000 or less. If the amount was more, an appeal could be taken to the Sadar Diwani Adalat.

The Sadar Diwani Adalat was to hear appeals involving more than Rs. 1,000. Up to Rs. 5,000 its decisions were final. If the amount involved was more, an appeal could be taken to the King-in-Council. The Sadar Diwani Adalat was also given the power of supervising and controlling the working of the lower courts.

Provision was made for the appointment of Munsiffs to try petty cases involving not more than Rs. 50. The number of Munsiffs was to depend upon the volume of work. The proceedings of the

Munsiffs were to be submitted to the court of Diwani Adalat for approval. They did their work honorarily and consequently there were complaints of corruption and bribery.

In 1793, Cornwallis abolished the court fees which were previously paid by the litigants. His view was that arrears of work were due to the dilatoriness and inefficiency of administration of justice. The Collector was deprived of his magisterial powers. The result was that he was to do only the work of rent collection.

Cornwallis tried to regulate the legal profession. It was provided that lawyers in future were to charge only moderate fees prescribed by Government. If they violated this law, they were liable to be disqualified. Formerly, the system of issuing regulations was not systematic and consequently it was difficult to ascertain the exact law of the country. It was provided that in future all the regulations issued in any year were to be printed and put in one volume. This facilitated reference.

Cornwallis deserves high praise for the judicial reforms carried out by him. Although he was criticised for adding to the expenses of administration, he defended the reforms on the ground that those were absolutely necessary for the efficient administration of justice and the peace and prosperity of the country. His view was that as the English Company was getting a lot of money from the people of India in the form of revenue, it was criminal to make economy in the administration of justice. However, his system suffered from certain shortcomings. He avoided the appointment of Indians to jobs of responsibility and position in the judicial hierarchy. Indians were appointed only Munsiffs. This policy continued up to the time of Lord William Bentinck, when the same was reversed.

Police Reforms. Formerly, the zamindars exercised police powers. It was their duty to maintain law and order and arrest the suspected persons. They also commanded the local police forces. The reform of Cornwallis took away the police powers of the zamindars. He also divided the districts into small areas and each of these areas was placed under a Darogha or superintendent under the supervision of a representative of the Company in the district. The police services were Europeanised with fixed salaries and functions.

Permanent Settlement of Bengal (1793). Another great achievement of Cornwallis was the permanent settlement of Bengal, Bihar and Orissa. When in 1765 the English Company secured the Diwani of Bengal, Bihar and Orissa, it was found that the ryot or the cultivator paid a fixed share of the produce of his land either in cash or in kind to the zamindar. The latter was merely the collector of revenue. However, his office gradually had become hereditary. Thus, the zamindari, which was originally a contract agency, became something resembling a landed estate. Zamindar received the revenue, paid 9/10ths to Viceroy and kept 1/10th to himself. He inherited his zamindari, and could sell or give away his office on obtaining permission and could demand compensation if the State deprived him of it. He was responsible for maintaining peace within his jurisdiction. In 1765, the work of collection of revenue

was left in the hands of the natives, but in 1769, British supervisors were appointed to control them. Things did not improve in spite of this change. In 1772, Warren Hastings set up the quinquennial settlement but the same was discontinued in 1777 on account of the failure of the experiment. The old system of annual settlements was resorted to. In 1784, an Act of Parliament directed the Court of Directors to abandon the annual settlement and frame permanent rules for the collection of land revenue.

When Lord Cornwallis came to India he found ' agriculture and trade decaying, zamindars and ryots sinking into poverty and money-lenders the only flourishing class in the community." The Directors of the Company were also alarmed at the steady deterioration of the revenue collection. It was found that annual collection left the zamindars in arrears and did not benefit any class. They recommended a moderate permanent assessment as more beneficial both to the Government and the people. They condemned the employment of temporary renters and farmers who had no interest either in the State or in the ryots. They oppressed the latter as much as they could. Cornwallis got these instructions but felt that it was not possible to carry them out. Certain changes had already been brought about in revenue administration with the object of decentralization. The Board of Revenue controlled the collectors who were in charge of land revenue collections. In 1787 and 1788, annual settlements were made by the Collectors. In 1789, a decennial settlement was made.

It was found that there were two schools of thought with regard to the revenue settlement. The school led by James Grant emphasized the fact that the zamindars had no permanent rights, whether as proprietors of the soil or as officials who collected and paid the rent. The State was not bound by any definite limit in its demands from them. The other school of thought was led by Sir John Shore. Its view was that the proprietary rights in the land belonged to the zamindars and that the State was entitled only to a customary revenue from them. For an accurate settlement, the proportion of rent actually paid and the actual collections and payments made by zamindars and farmers should both be ascertained. He was in favour of a direct settlement with the zamindars for 10 years. There were other officials who were in favour of a permanent settlement with the zamindars. Cornwallis was of the opinion that a decennial settlement would have all the disadvantages of an annual settlement. It would not give the zamindars sufficient inducement to ensure the clearance of the extensive jungles in the provinces. Sir John contended that a permanent settlement would result in an unfair distribution of the assessment particularly when there was no survey. In 1790, the rules for the decennial settlement were published and it was stated that at the end of that period, the settlement would probably be made permanent. In accordance with the orders of the Court of Directors, the settlement of Bengal, Bihar and Orissa was made permanent in March 1793. The settlement was made as high as possible. As a matter of fact, it was practically double of what it was in 1765. "It was possible to raise it so high because it was declared to be final and permanent."

It is to be noted that the permanent settlement was not a hastily devised measure. It did not emanate solely from Cornwallis. Many of the permanent officials recommended such a change. The new settlement was based on the information acquired during many years of enquiry. It had also the full support of the home authorities as it was sanctioned by Pitt, Prime Minister of England, Dundas, President of Board of Control and the Court of Directors.

Provisions. The permanent settlement created a limited proprietary right in the land in the zamindars. All rights of the State in the nature of Nazrana and permission to sell fees were given up. Magisterial powers were taken away from zamindars. They were left with no police work. As long as they paid revenue to the Government in time they were left free in their relation with their tenants. If they did not pay the land revenue, a part of their land was to be disposed of to recover the land revenues.

Historians have passed conflicting judgments with regard to the merits and demerits of permanent settlement. According to Marshman, "It was a bold, brave and wise measure. Under the genial influence of this territorial charter, which for the first time created indefeasible rights and interests in the soil, population has increased, cultivation has been extended and a gradual improvement has become visible in the habits and comforts of the people." According to R. C. Dutt, "If the prosperity and happiness of a nation be the criterion of wisdom and success, Lord Cornwallis's Permanent Settlement of 1793 is the wisest and most successful measure which the British nation had ever adopted in India." He further added that the permanent settlement was "the one act of British nation within the century and a half of their rule in India which has most effectually safeguarded the economic welfare of the people." On the other hand, Holmes condemned the permanent settlement in these words : "The permanent settlement was a sad blunder. The interior tenants derived from it no benefit whatever. The zamindars again and again failed to pay their rent charges, and their estates were sold for the benefit of the Government." In spite of thes judgments, it is desirable to discuss the merits and demerits of the settlement separately.

Merits. (1) The State was assured of a certain amount of land revenue from the people. It was not to depend upon the results of annual bidding. If a zamindar did not pay the land revenue, the same could be realised by selling a portion of his land.

(2) The landlords knew that they had to pay a specific amount of money as land revenue to the Government. If they put more labour and capital in the land and got more profit out of it, they stood to gain because Government share was not to increase proportionately. It was absolutely fixed whether the landlord cultivated their lands more or less. At the time of the settlement, many parts of the land were covered with jungles and the same were cleared after the settlement.

(3) Cornwallis thought that the permanent settlement of Bengal would play the same part in creating a loyal class which the establishment of the Bank of England had played in the case of

William III and Mary. The zamindars who were made the owners of land could be counted upon to defend the rule of the English Company against their rivals and opponents. It was found that these very zamindars were loyal to the British Government during the days of the Mutiny. No wonder, Setton Carr observes that the political benefits of the settlement balanced its economic defects.

(4) The permanent settlement gave popularity and stability to the British Government and thus helped to make the province the healthiest and most flourishing in India.

(5) The permanent settlement set free the ablest servants of the Company for judicial work. Formerly, they had to waste a lot of their time every year in offering the collection of revenue to the highest bidder and realising the same amount.

(6) The permanent settlement avoided the evils of periodical settlements which, in spite of long intervals, produced economic dislocation, evasion, concealment of worth and the deliberate throwing of land out of cultivation.

(7) It is true that the Government could not increase the land revenue in the future but it gained in an indirect manner. As the people became richer, the Government got money by taxing them in various ways.

(8) A permanent land tax is inexpensive, uniform and certain. It has all the advantages mentioned by Adam Smith in his *Canons of Taxation.*

Demerits. (1) The immediate effect of the permanent settlement on the zamindars was disastrous. Many of them could not realise the land revenue from their tenants and consequently could not pay the money to the Government in time. The result was that their lands were sold.

(2) Contrary to the expectations, the landlords did not take much interest in the development of their lands. They became merely absentee landlords living in Calcutta or at the district towns on the income derived from the tenants. It has rightly been pointed out that although Cornwallis intended to create a class of English landlords in Bengal, what he actually created was a class of Irish landlords.

(3) The permanent settlement ignored the rights of the tenants. They were left absolutely at the mercy of the landlords who could oust them at any time. The landlord could charge any amount of money from the tenants he pleased. It is true that Cornwallis had laid down that "the zamindar should keep a register of his tenants and grant them Pattahs or leases, specifying the rents they were to pay, and that in case of any infringement of these rules, the ryot was to seek a remedy in an action against him in the civil court," but unfortunately the registers were not kept and the Pattahs were rarely given. The remedy of the civil court was a very expensive one and the poor tenants felt that they could not take advantage of it. This state of affairs continued till the Government came to the rescue of the tenants and safeguarded their interests by passing tenancy legislation.

(4) The Government lost for ever a share or the unearned increment. The deficit was estimated at Rs. 4½ crores.

(5) Bengal did not possess cadastral records till 1893 and consequently there was expensive litigation between the tenants and the landlords.

Setton Carr sums up his criticism thus: "The permanent settlement somewhat secured the interests of the zamindars, postponed those of the tenants and permanently sacrificed those of the State." According to P.E. Roberts, "Had the permanent settlement been postponed for another 10 to 20 years, the capacities of the land would have been better ascertained. Many mistakes and anomalies would have been avoided, and the reforms brought about by Cornwallis himself in the civil service would have trained up a class of officials far more competent to deal with so vast a subject."

According to Baden-Powell, "The permanent settlement disappointed many expectations and produced several results that were not anticipated." "A very great blunder as well as gross injustice was committed when a settlement was made with the zamindars alone and the rights of property every bit as good as theirs were ignored." "He (Cornwallis) committed himself to a policy which in regard to the three interested parties—the zamindar, the ryot and the ruling power—assured the welfare of the first, somewhat postponed the claims of the second and sacrificed the interests of the third." "The permanent settlement in contrast to the chaotic system which it supplanted, had many fairly obvious advantages."

Cornwallis Completed the Work of Hastings. Dr. Aspinall rightly remarks that it is no disparagement of Cornwallis's work to point out that he completed what Hastings had begun. In 1772, Warren Hastings had abolished the double government of Bengal, Bihar and Orissa which was set up in 1765 by Lord Clive. The judicial and police reforms of Cornwallis completed that constitutional change.

Warren Hastings had come to the conclusion that the servants of the Company were not likely to become honest in their work unless their salaries were increased and their private trade was prohibited. In 1774, he had prohibited the members of the Supreme Council from engaging in trade and had increased their remuneration by means of a commission. In 1781, he introduced fixed salaries for the members of the Committee of Revenue and a commission of one per cent of net revenue. Cornwallis was able to take the reform a step further. He extended the improved scales of pay and allowances to all the senior servants. However, he was not in a position to extend the prohibition of trade to all officials.

Warren Hastings had realised the danger of entrusting power into the hands of the Indian officials who were as a rule corrupt. He had made the Collector the superintendent of the district criminal court. To substitute English for Indian judges was merely the next step. The appointment by Warren Hastings of Indian magistrates charged with the supervision of the Mofussil police and with the duty of arresting and committing for trial did not prove a success. Consequently, these offices were abolished by Warren Hastings.

While doing so, he gave the magisterial powers to the judges of the civil courts.

The separation of revenue administration from civil jurisdiction, which was accomplished by Cornwallis, was foreseen by Warren Hastings who began the change in 1780. The judges whom he appointed in charge of new civil courts were not at all connected with revenue work. The bifurcation of functions was only partial because the Collectors were still authorised to decide cases relating to revenue and consequently the jurisdiction of the civil judge and the Collector was continually clashing. It is probable that if Warren Hastings had stayed longer in India, he would have remedied the situation in the same way as Cornwallis did in 1793.

In the matter of substituting English criminal law for Mohammedan law, Cornwallis went only a little further than Warren Hastings. The latter was of opinion that until the constitution of Bengal "shall have attained the same perfection" as the English, "no conclusion can be drawn from the English that can be properly applied to the manners and state of this country." The only legislative change made by Warren Hastings was to give very severe punishment to dacoits and their families. In many cases, the Supreme Court intervened to alter the unsuitable punishments prescribed by Mohammedan law. Undoubtedly Cornwallis made more use of the legislative power than Warren Hastings did. But even he was cautious in making changes in Mohammedan criminal law. Although he had very strong views regarding the superiority of the criminal law of Great Britain, he did not radically alter the Mohammedan criminal law. Generally, Cornwallis carried on the work which Hastings had started. He met with much less interference, criticism and obstruction than his predecessor did.

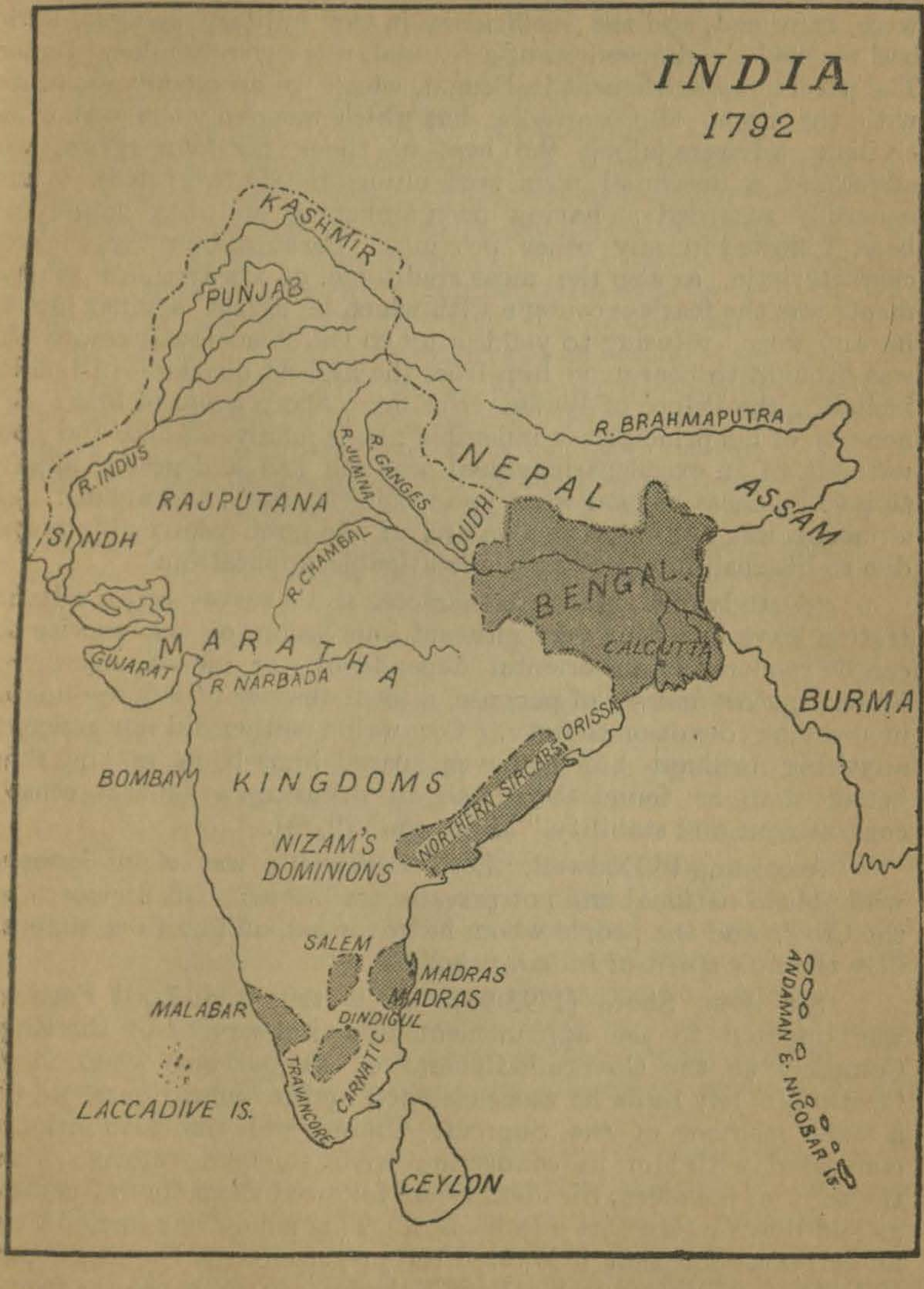
The Code of Civil Procedure of Cornwallis was based on the earlier codes which Warren Hastings and Sir Elijah Impey had compiled and for which Sir James Stephen had a word of praise.

It is for these reasons that it has been stated that *"if the foundation of the civil administration had been laid by Warren Hastings, the structure was raised by Lord Cornwallis."*[1]

According to Lord Curzon, Lord Cornwallis was a man with quite ordinary abilities but with a 'sterling character, a great fund of commonsense and a superb and untiring devotion to duty—who left a considerable mark upon the Indian administration. Cornwallis was one of those men upon whom Government rely to do their business straightforwardly, efficiently and well. For twenty years he was the deus ex-machine to whom successive ministries turned to extricate them from muddles or to place disordered affairs upon a stable basis. Even his failures never counted against him. The surrender of York Town brought with it no censure, but was followed by other and higher employments. Twenty years later the Treaty of Amiens which Cornwallis was sent out to negotiate, proved to be

(1) *Cf.* "It must remain the verdict of history that Cornwallis merely developed under happier auspices what Warren Hastings had begun, that in that part of this policy which was his own, he embarked from the false premises that reform in India meant making it like the England of his ideals ; and that he made serious and abiding mistakes from the best of motives in the world "

obsolete almost as soon as it had been signed. But no one blamed its author. It was always felt that Cornwallis had done his best in an honest, capable, commonsense way, and that no lower consideration than the honour of his country had guided his action. Thus,



although destitute of any pretension to genius and with quite mediocre intellectual gifts he filled post after post in the *internal and external* service of Britain and was regarded as having comported himself in each with credit and success." (*British Government in India*, Vol. 1, pp. 166-67). Again, "The administration of Cornwallis, which was prolonged for seven years in spite of his frequently expressed desire to return, was remarkable for his internal reforms,

in which, with a courage that cannot be over-praised, he set his face against the jobbery and corruption that still permeated the civil service, carrying the now forgotten crusade of Clive to its logical conclusion by the grant of decent salaries to the writers in return for the prohibition of private trade. The civil and criminal courts were reformed, and the inefficiency in the military services, which had reached the dimensions of a scandal, was severely taken in hand. The permanent settlement in Bengal, which is invariably associated with the name of Cornwallis, but which was really the work of his civilian advisers (albeit the best of them, Sir John Shore, who advocated a decennial term, was unfortunately overruled), is now generally regarded as having been a mistake, and has happily not been followed in any other province. Perhaps, however, the most characteristic, as also the most creditable, of Cornwallis's achievements was the fearless courage with which he fought against jobbery in any form, refusing to yield a jot to the shameless pressure that was brought to bear upon him from the highest quarters in London, including the Prince of Wales. Sir John Shore wrote of him : 'The honesty of his principles is inflexible ; he is manly, affable, and good-natured, of an excellent judgment, and he has a degree of application to business beyond what you would suppose' ; and again : 'His situation was uncomfortable on arrival ; he now receives the respect due to his zeal, integrity and indefatigable application.'

"A study of Cornwallis's character and a survey of his administration leave us with a very pleasant impression of the service that can be rendered in an oriental dependency—or, indeed, anywhere—by *transparent honesty* of purpose, a total absence of self-seeking and unswerving devotion to duty. Cornwallis neither did nor attempted anything brilliant but he never spared himself in making things better than he found them and in diffusing a general sense of contentment and stability." (*Ibid.*, pp. 170-71).

According to Dodwell, "Lord Cornwallis was a public servant who upheld national and not private traditions. His service was to the Crown and the people whom he governed, and he thus embodied fitly the new spirit of Indian rule."

Sir John Shore (1793-98). It is true that Lord Cornwallis was opposed to the appointment of a civil servant of the English Company as the Governor-General of Bengal, but when in 1793 Cornwallis left India he was succeeded by Sir John Shore who was a senior member of the Supreme Council and was also intimately connected with him in connection with the land reform. During the term of his office, Sir John Shore followed the policy of neutrality as laid down in the Pitt's India Act. This policy was carried to such an extreme point that it lowered the prestige of the English Company in India. According to Sir John Malcolm, "It was proved from the events of this administration that no ground of political advantage could be abandoned without being instantly occupied by an enemy ; and that to resign influence, was not merely to resign power, but to allow that power to pass into the hands hostile to the British Government." The most important event of Sir John Shore's time was the attack of the Marathas on the Nizam and the defeat of Nizam in the battle of Kharda in March 1795. The Nizam begged for British

help but the same was refused by Sir John Shore on the ground that such help was likely to entangle the English Company into the internal affairs of the Indian States. Such a treatment made the Nizam bitter and he had to submit to humiliating terms of the Marathas. However, the Nizam was able to recover his position on account of dissensions among the Marathas and on the whole the Nizam did not lose much. Anyhow, the Nizam was not in a mood to forget and forgive the British betrayal of his cause.

Sir John Shore interfered in the affairs of Oudh. The Nawab died in 1797 and was succeeded by a son of worthless character. To begin with, Sir John sanctioned the succession. However, when he came to know that the son was the offspring of a menial servant, he reversed his decision, and set up a brother of the late Nawab on the throne. He also entered into a treaty with the new Nawab. By the new treaty, the English Company was made responsible for the defence of Oudh. The Nawab was to pay an annual subsidy of 76 lacs of rupees. He also gave up the Fort of Allahabad to the English Company. He bound himself to hold no communication with any foreign State. This treaty was probably due to the fear of the attack of Zaman Shah of Kabul who was in the Punjab at that time.

In 1795, there occurred a dangerous mutiny of the European officers of Bengal who threatened to seize the administration. The situation was so serious that Sir John Shore was forced to make many concessions to the rebels. On account of his failure to deal with the situation. Sir John Shore was called back in 1798 and was succeeded by Lord Wellesley.

According to Lord Curzon, "It cannot be said that in his five years' rule Shore left any mark. He was a typical Bengal civilian of the best type, a great revenue expert, an upright, dull, respectable, friendly kind of man, hating pomp of any sort, loving peace and economy, very pious, declining to work on Sundays though not attending the services of the Church, and ultimately joining the Clapham sect after his return to England. As Major Toone, who had been one of Hastings' A.D.C's remarked : '*A good man, but as cold as a greyhound's nose.*' Shore had some of the tastes of a scholar, being a student of Urdu, Persian and Arabic ; he wrote a journal in Latin, kept up his knowledge of Greek and composed mediocre verses and translations in the decorous 18th century fashion. While in India he did not enjoy good health, and was always chafing at the absence of his wife and family.

"Shore's strong views about economy had made him a strenuous critic of Hastings' regime, and he was popularly regarded as a member of the Opposition or Francis's camp, until he was won over by personal contact with Hastings, notably on the return journey of the latter to England. This conversion excited the not too kindly comment of William Hickey, who wrote in his Memoirs : "Mr. John Shore suddenly and most unaccountably from an inveterate and bitter enemy became that gentleman's (*i.e.*, Hastings') sworn bosom friend." (*British Government in India*, Vol. I, pp. 171-72).

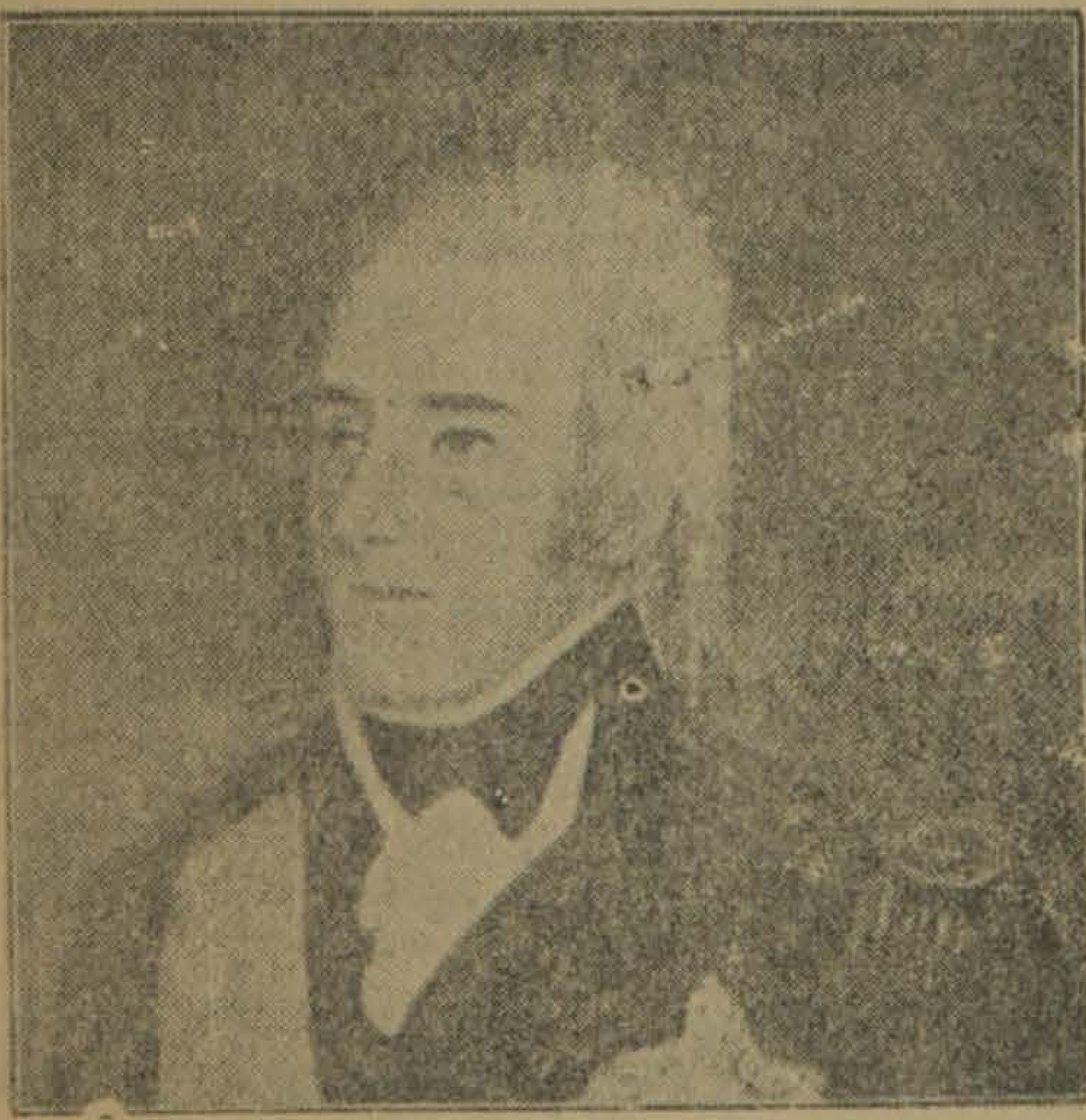
Suggested Readings

Aspinall, A. : *Cornwallis in Bengal* (1931).
Dodwell, H.H. : *Cambridge History of India*, Vol. V.
Seton-Karr : *The Marquis Cornwallis* (1898).

CHAPTER VII

LORD WELLESLEY (1798-1805)

Lord Wellesley, "the great Pro-Consul," was appointed the Governor-General of Bengal at the age of 37. He was one of the greatest of the British rulers of India. The only persons who can stand comparison with him are Lord Clive, Warren Hastings and Lord Dalhousie. In the matter of actual achievements, he beat all of them.



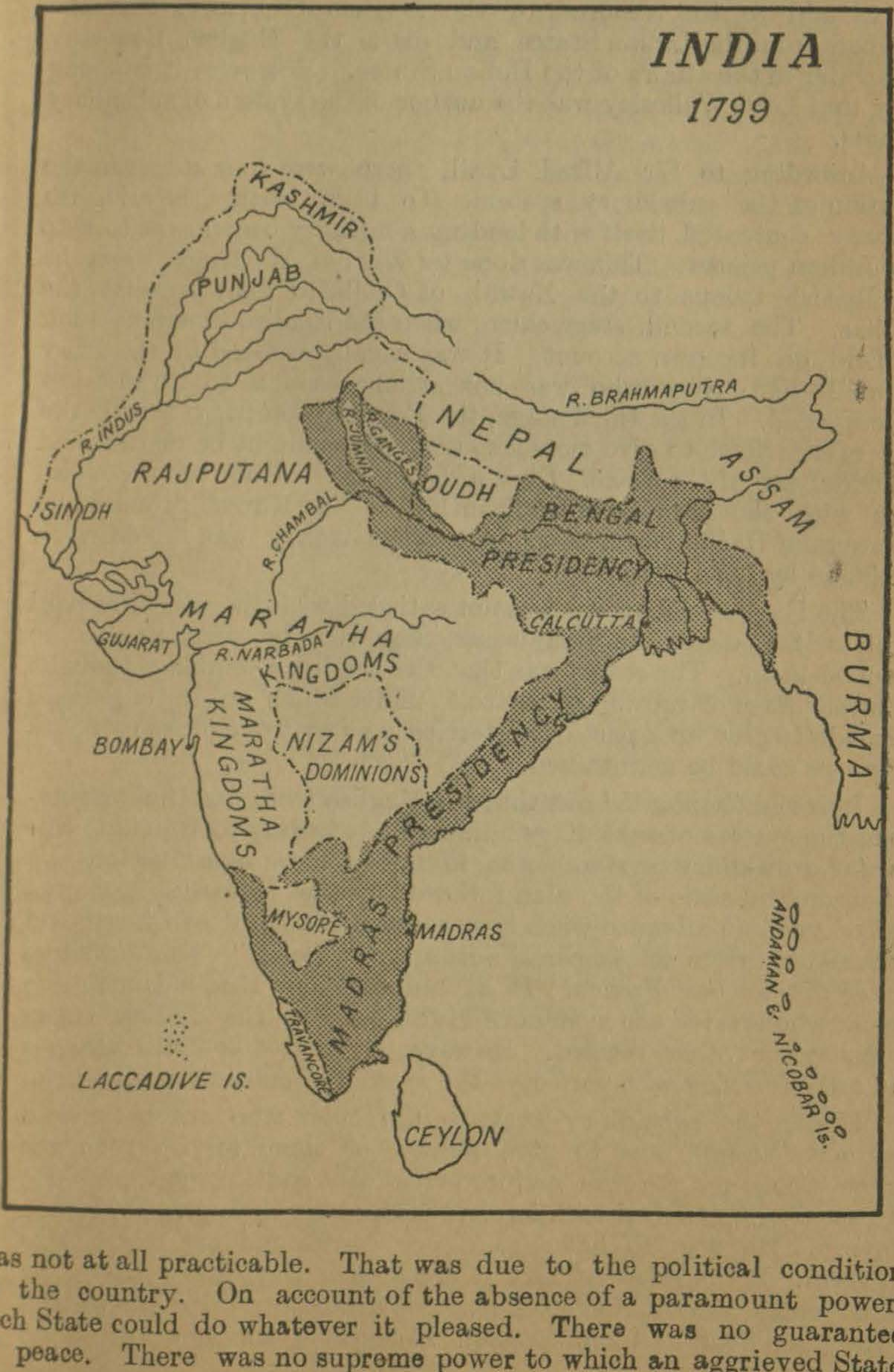
Lord Wellesley

Condition of India in 1798. When Lord Wellesley came to India as Governor-General, the condition of India was very critical. The Nizam was angry because the English Company had not helped him when he was attacked by the Marathas in the time of Sir John Shore. He was organizing a body of regular troops under a French officer named Raymond. He was not in a mood to come to terms with the English Company. The Marathas were also feeling a sense of importance on account of their victory over the Nizam. They had huge resources and were controlling practically the whole of Central India. Scindia had a powerful army which was trained and commanded by a Frenchman called Perron. Undoubtedly, the key positions occupied by the French officers in the Indian States were a source of real danger to the English Company. Sultan Tipu had not forgotten the humiliation to which he was subjected by Lord Cornwallis when he was forced to give up half of his territory, pay a huge war indemnity and also surrender his two sons as hostages. He was the deadly enemy of the English Company and openly so. He was carrying on negotiations with the French Governor of Mauritius and Reunion. He had employed French officers to drill his soldiers and train them. There was the danger of the invasion of Napoleon. He was already on his way to the East.

Thus, the political situation in the country was not an easy one. The English Company had not much of resources and it was left to the intelligence, bravery and resourcefulness of Lord Wellesley

to tackle the situation in a masterly manner. Within the next 7 years, Lord Wellesley was able to defeat and humble the enemies of the English Company. Many of them submitted without striking a blow. However, before he could finish his work, he was forced to resign in 1805.

The one thing to be noted with regard to Lord Wellesley is that when he came to India, he felt that the policy of non-intervention



was not at all practicable. That was due to the political condition in the country. On account of the absence of a paramount power, each State could do whatever it pleased. There was no guarantee of peace. There was no supreme power to which an aggrieved State

could appeal for help. Under the circumstances, Lord Wellesley came to the conclusion that either the English Company must become the Supreme power in the country or quit the country. There was absolutely no half-way. It was with this conviction in mind that Lord Wellesley started his work.

Subsidiary System. One of the great master strokes of Lord Wellesley was the application of the system of subsidiary *alliances* to a large number of Indian States. It was in this way that he was able to add to the resources of the English Company, oust the foreigners from the Indian States and make the English Company the arbiter in the affairs of the Indian States. However, it is wrong to say that Lord Wellesley was the author of the system of subsidiary alliances.

According to Sir Alfred Lyall, there were four stages in the evolution of the subsidiary system. To begin with, the English Company contented itself with lending a military contingent to help some Indian princes. This was done by Warren Hastings when he lent British troops to the Nawab of Oudh to fight against the Rohillas. The second stage came when the English Company took the field on its own account. It was usually assisted by the army of some Indian prince who was not strong enough to do the job single-handed. In the third stage, the English Company asked the ruler of the State to give money so that troops might be maintained for the defence of the State. Such a treaty was made by Sir John Shore with the Nawab of Oudh in 1797. The Nawab promised to pay a sum of Rs. 76 lacs a year. A similar treaty was made with the Nizam by Lord Wellesley.

. The English Company was not satisfied with the subsidies paid by the Indian rulers. In many cases, they were too irregular to be depended upon. The result was that the English Company thought of another form of subsidiary system under which on Indian State was made to give up a part of its territory so that out of its revenues the troops could be maintained.

It is rightly pointed out that the English were not the originators of the system of subsidiary alliances. According to Ranade, "the idea (of subsidiary system) was in fact a mere reproduction on a more organised scale of the plan followed by the Maratha leaders a hundred years in advance when they secured the grant of Chauth and Sardeshmukhi from the Imperial authority at Delhi." Some writers give credit to the French. It is pointed out that it is men like Dupleix who started the system of giving help to the Indian rulers for money or other reward. However, it cannot be denied that it was Lord Wellesley who perfected the system of subsidiary alliances.

Under the subsidiary system, the ruler who entered into a subsidiary alliance, was to give money or some territory to the English Company for the maintenance of a contingent force. He was also to agree to deal with foreign States only through the English Company. He was to have no direct correspondence or relations with them. If the ruler had any dispute with any other State, he was to make the English Company his arbitrator. He was to turn out from his State all non-English Europeans whether they were

employed in the army or civil administration. The English Company was to undertake to defend that State from external attack or internal trouble. It is clear that the subsidiary State surrendered its political independence in return for British protection.

Merits of the System. (1) It cannot be denied that the subsidiary system added to the resources of the English Company and it was partly with the help of these resources that the English Company was able to establish itself as the paramount power in the country. The Indian States entering into subsidiary alliances gave money or territories out of whose revenue troops could be maintained by the English Company. Their troops were always at the beck and call of the English Company. The result was that although outwardly the troops were maintained with the money of the Indian States for their defence, actually they added to the resources of the English Company. It is well-known that the Nizam entered into a subsidiary alliance with the English in the time of Wellesley. With the money got from him, an army was maintained and put under the charge of Sir Arthur Wellesley. That army was used in various campaigns in which Lord Wellesley was involved.

(2) The system of subsidiary alliances enabled the English Company to throw forward their military frontier in advance of their political frontier. Although the English Company was not burdened with the responsibility of the administration of the States joining the subsidiary system, its influence was enhanced.

(3) The evils of war were kept at a distance from the territories of the English Company. The territories under the English Company did not suffer because the battles were fought in most cases in the territories of the States joining the subsidiary alliance.

(4) The system of subsidiary alliance did not arouse the jealousy of other European nations. The reason was that outwardly the independence of the States was maintained.

(5) The English Company was able to exclude the influence of the French from the Indian States. Whenever a State entered into a subsidiary alliance, the ruler had to drive out all Europeans who were not Englishmen.

Demerits of the System. (1) The one great demerit of the system was that the amount of money demanded from the rulers of the Indian States was out of all proportion to their resources. The result was that the rulers of the States paid the money to the Company even at the expense of the welfare of their people. All kinds of methods were adopted to collect the money so that the English Company might not have an excuse to demand territory from that State. However, in certain cases even when the subsidy was paid regularly, the English Company forced the ruler to hand over certain territory for the maintenance of the army. This was done by Wellesley when he forced the Nawab of Oudh to give Gorakhpur, Rohilkhand and the Doab for the maintenance of troops by the Company.

(2) The subsidiary system resulted in the internal decay of the protected States.[1] It destroyed the initiative of the ruling princes. It made them dependent on the English Company. The result was that the Indian princes led lives of vice and corruption on account of the assurance that the English Company was always there to help them in times of trouble. The people of the States were deprived of the natural remedy of revolution. They had no chance of success even if they dared to revolt against their corrupt ruler.

(3) The Court of Directors did not approve of the subsidiary system because it created jealousy among the Indian States against the English Company. Moreover, the Directors were also opposed to the policy of annexing territories.

On the whole, the system of subsidiary alliances helped the English Company to tide over its difficulties and emerge as a great power in the country.

Fourth Mysore War (1799). It has already been pointed out that Sultan Tipu had not forgotten the humiliating treatment which had been meted out to him by Cornwallis. He was determined to have his revenge. He sent his emissaries to Kabul, Constantinople, Arabia and Mauritius. The Sultan planted the tree of liberty at Seringapatam. He was elected a member of the Jacobin Club of France. He tried to correspond with Napoleon who was in Egypt at that time. French generals were drilling his forces. The situation was serious and Lord Wellesley at once made up his mind to deal with it with a firm hand.

Before taking action against Tipu, Wellesley tried to win over the Nizam and the Marathas and succeeded so far as the Nizam was concerned. The Nizam entered into a subsidiary alliance with the English Company in September 1798. He agreed to make a payment for the maintenance of the contingent force. He agreed to turn out the officers of other European nations. The French army of the Nizam was disbanded.

Having got the support of the Nizam on his side, Lord Wellesley demanded absolute submission from Sultan Tipu. As the latter did not carry out the command, war was declared. The main army was under General Harris and he proceeded towards Mysore. Arthur Wellesley, the younger brother of the Governor-General and later known as the Duke of Wellington, was incharge of the Nizam's contingent. A force from Bombay also marched towards Mysore. The armies carried everything before them and reached Seringapatam. Sultan Tipu refused to accept the humiliating terms offered to him and died fighting in the ramparts of Seringapatam. This was in May 1799. After the victory, Wellesley annexed large and important territories which included Kanara, Coimbatore and Seringapatam. Mysore was surrounded on all sides by British territory. The Nizam was given some territory as a reward for the help given by him. Certain territories were offered to the Marathas also on certain conditions which they refused to accept. A child of

1. According to Thomas Munro, "Wherever subsidiary system is introduced, the country will soon bear the marks of it in decaying villages and decreasing population."

the Hindu family who had been turned out by Haidar Ali was placed once again on the throne of Mysore.

Character of Tipu. It is wrong to say that Sultan Tipu was a savage, barbarous and cruel fanatic. He was an industrious ruler who himself attended to every branch of administration. He was not cruel by nature. He was cruel only towards his enemies and he hated the English from the very core of his heart. He could never reconcile himself to co-operate with the English Company. He fought against the British tooth and nail and died fighting, but could not think of coming to a compromise with them. He was inclined towards the French and his preference for them continued all his life.



Tipu

The English hated him and dreaded him. According to Kirkpatrik, Sultan Tipu was "the cruel and relentless enemy......... the oppressive and unjust ruler and what not." According to Wilks, Haidar was seldom wrong and Tipu seldom right. Unlimited persecution united in detestation of his rule every Hindu in his dominion. He was barbarous where severity was vice and indulgent where it was virtue. If he had qualities fitted for empire, they were strangly equivocal. There is a Mysore proverb that "Haidar was born to create an Empire, Tipu to lose one."[1]

However, there are other writers who have paid tributes to the intelligence and other qualities of head and heart of Sultan Tipu. According to Mill, "As a domestic ruler, he sustains an advantageous comparison with the greatest princes of the East." According to Moore, "When a person travelling through a strange country finds it well cultivated, populous with industrious inhabitants, cities newly founded, commerce extending, towns increasing, and everything flourishing so as to indicate happiness, he will naturally conclude it to be under a form of government congenial to the minds of the people. This is a picture of Tipu's country, and this is our conclusion respecting its government." Major Dirom remarked thus : "His country was found everywhere full of inhabitants, and apparently cultivated to the utmost extent to which the soil was capable ; while the discipline and fidelity of his troops in the field, until their

1. "The contrast in character and policy between father and son explains why Haidar Ali was successful in founding a kingdom and Tipu contrived to lose it."

last overthrow, were testimonies equally strange of the excellent regulations which existed in his army. His government, though strict and arbitrary, was despotism of a politic and able sovereign."

There is not much to condemn the character of Sultan Tipu. His misfortune was that he was pitted against the British Government which had endless resources. He could not find anybody to help him in his hour of difficulty. While the English were able to win over the Marathas and the Nizam on the occasion of the third Mysore War and the Nizam in the fourth Mysore War, Tipu had to fight alone. The French on whom he depended, failed him completely.

Tanjore, Surat and Carnatic. Lord Wellesley had to deal with Tanjore, Surat and Carnatic. In October 1799, Wellesley entered into a subsidiary treaty with the Raja of Tanjore. The Raja practically gave up the administration into the hands of the English Company in lieu of the payment of £40,000 a year. In the case of Surat, Wellesley abolished the double government, granted a pension to the Nawab and took over the supreme control of the country into his own hands. As regards Carnatic, its government was rotten and scandalous. It was alleged that the Nawab of Carnatic and his son had entered into correspondence with Sultan Tipu. Although the evidence was not conclusive, Wellesley took over the civil and military government of Carnatic in July 1801, when the Nawab died. The Nawab was allowed to retain his title and he was to be paid 20 per cent of the revenue of his State.

Oudh. Wellesley's treatment of Oudh was altogether high-handed. The Nawab of Oudh was asked to disband a part of his army and receive a bigger subsidiary force. The Nawab resisted and even expressed his willingness to abdicate. When Wellesley showed his readiness to accept the offer of abdication, the Nawab withdrew the offer. He declared that he was prepared to abdicate provided his son was allowed to succeed him. The indignation of Wellesley knew no bounds and he was disgusted with the duplicity and insincerity of the Nawab. Wellesley prepared a new draft treaty by which the size of the contingent force was to be increased and the subsidy was increased to 1¼ million sterling. Wellesley did not care at all for the protests of the Nawab. The result was that the Nawab gave way.

However, in spite of this, Wellesely made new demands on the Nawab. Although the Nawab had paid his subsidies regularly, Wellesley demanded and got the surrender of Rohilkhand and the southern districts between the Ganges and the Jumna. All this amounted to about one-half of his dominions. Naturally, the Nawab resented. Sir Alfred Lyall says that Wellesley "subordinated the feelings and interests of his ally to paramount considerations of British policy in a manner that showed very little patience, forbearance or generosity. The only justification for such a policy was expediency."

Steps Against the French Danger. Wellesley also took certain steps to meet the French menace. He was in favour of an expedition against Mauritius but the English Admiral refused to co-operate

and the scheme had to be given up. He urged the ministry at home to capture Ceylon and Batavia from the Dutch, but failed to secure their assent. He sent Indian troops to Egypt to co-operate in the expulsion of the French from that country. Wellesley also sent John Malcolm to Persia to counteract the French and Russian advance in that direction.

Second Maratha War (1802-4). The Maratha State was not a unified State. It was merely a confederacy. The Peshwa was weak and not in a position to control and direct the other Maratha chiefs. The important Maratha chiefs were Scindhia, Holkar, Gaikwad and Bhonsla. The Marathas were not very strong on account of the mutual jealousies of the Maratha chiefs.

In March 1800, Nana Farnavis died at Poona and *with him departed "all the wisdom and moderation of the Maratha government."* Both Scindhia and Holkar tried to establish their control over the Peshwa and started fighting with each other. The Peshwa submitted to the control of Scindhia but Holkar would not tolerate this. He attacked and defeated Scindhia and tried to establish his control over the Peshwa. This was too much for the Peshwa who ran away to Bassein to secure help from the English Company. It was in these circumstances that the *Treaty of Bassein* was signed on 31st December 1802. Both the Peshwa and the English agreed that the friends and enemies of the one should be treated as the friends and enemies of the other. The British were to protect the territory of Peshwa as their own. For that purpose, a subsidiary force of not less than 6000, regular infantry with the usual proportion of field artillery was to be permanently stationed in the territory of the Peshwa. For the expenses of that force, the Peshwa was to give to the British districts yielding Rs. 26 lakhs a year. The Peshwa was not to entertain in his service any European hostile to the British. In the case of a dispute arising with the Nizam, the Peshwa was to accept British arbitration. The Peshwa was to respect the treaty of friendship contracted by the Gaekwad with the British and accept British arbitration in the case of a dispute. The British and the Peshwa were to give each other more military help whenever necessary. The Peshwa bound himself to negotiate in no hostilities with other States without a previous consultation with the British Government. As soon as the treaty was signed the British took the Peshwa to Poona and put him on his throne in May 1803, Holkar retired.

A lot of importance has been attached to the treaty of Bassein. It has been regarded as one of the important landmarks of British dominion in India. The English Company was able to bring the head of the Marathas under its control. It must have been understood that such a state of affairs would not be acceptable to the other Maratha chiefs. Those who entered into the treaty must have known that war was inevitable. According to Arthur Wellesley, the treaty of Bassein was made "with a cipher."

The expected happened. The Maratha chiefs gave expression to their feelings of resentment and anger. Scindhia and Bhonsla at once combined. Gaekwad and Holkar stood apart. Scindhia and Bhonsla attacked but they met with stiff resistance at the

hands of the British troops. The important battles were fought at Assaye, Aragaon and Laswari. The power of both Scindhia and Bhonsla was smashed and they both entered into separate treaties.

The treaty of Deogaon was made with the Raja of Berar and that of Surji Arjangaon was made with Scindhia. By the treaty of Deogaon, Bhonsla gave Cuttack to the English and accepted a subsidiary alliance. By the treaty of Surji Arjangaon, Scindhia accepted a subsidiary alliance and surrendered Broach, Ahmednagar and the territory between the Ganges and the Jamuna including Agra and Delhi.

War with Holkar. Holkar had his differences with Scindhia and consequently did not join hands with him when the latter was fighting agaist the British. But when Scindhia and Bhonsla were defeated, Holkar made up his mind to continue the fight. He attacked the territories of the Rajputs and demanded Chauth from the English Company. As was to be expected, Wellesley rejected those demands and war was declared. Holkar forced Colonel Monson to retreat and inflicted upon him a crushing defeat in Rajputana. The Raja of Bharatpur defied British authority. He also joined Holkar in an attack on Delhi, but their attempt failed. Later on, Holkar himself was defeated. The efforts of Lake to conquer Bharatpur failed and he suffered heavy losses. Lake made peace with the Raja of Bharatpur. When such was the condition, Lord Wellesley was called back by the Home Government which was tired of his aggressive and expensive wars.

Estimate of Wellesley. Lord Wellesley was one of the greatest of the Governors-General of the English Company. He has rightly been called a great pro-consul. One cannot help recalling to one's mind the great work done by him. In 1798, the position of the English Company was precarious. By 1805, Wellesley had foiled all the designs of the French, defeated and killed Tipu and humbled the Marathas. Had he been given a little more time, he would have completely crushed the resistance of Holkar.

Dr. V.A. Smith gives his estimate of Wellesley in these words : "The Marquess of Wellesley is undoubtedly entitled to a place in the front rank of the Governors-General by the side of Warren Hastings, Marquess of Hastings and Lord Dalhousie. Some authors would award him the first place, but in my judgment that honour belongs to Warren Hastings. Lord Wellesley, like Lords Lytton and Dufferin in later times, looked upon the affairs of India as seen by a British nobleman and politician from a Foreign Office point of view. He was a statesman rather than an administrator, concerned chiefly with matters of high policy and little inclined to examine closely the details of departmental administration. His policy was directed to two main objects : The first was the elevation of the British Government to the position of paramount power in India ; or, to use his stately words, 'to establishing a comprehensive system of alliance and political relation over every region of Hindustan and the Deccan.' The second object was the full utilisation of Indian strength so that it might play a proper part in resistance to the menace of Napoleon's

world-wide ambition, which avowedly aimed at the overthrow of British power in the whole of India."

According to Lord Curzon, "There hardly exists in the gallery of British celebrities a man upon whose character and achievements more opposite verdicts have been passed, or whose career more fairly justifies such a clash of opinion. One class of writers has seen in Wellesley the courageous and farsighted architect of the empire, who carried out and expanded the great work of Warren Hastings and reared the central edifice, lofty and strong, of British dominion in the East. The opposite school, regards him, if not as the 'brilliant incapacity' of Croker, at any rate as embodiment of vanity in high places, the 'Sultanised Englishmen' of machintosh, who, by an excess of arrogance and self-esteem failed in India, as latter in England, to attain the goal which his self-confident ambition had marked out for him. The truth does not lie midway between these extremes. It is to be found in both of them. Wellesley was at the same time both great and small, a man of noble conceptions and petty conceits, a prescient builder of empire and a rather laughable person. On the Indian side of his career the balance is, however, decidedly in his favour ; and if his letters had not been published, which reveal him in his most petulant as well as in his most majestic moods, the credit balance would probably have been even larger." (*British Government in India*, Vol. I, p. 173). Again, "Many of Wellesley's enterprises in India, apart from the Mysore and other campaigns, which added so much both to the glory and the territory of the empire, and which incidentally laid the foundations of his younger brother's fame, were characterised both by wisdom and imagination. But there was always a flavour of self-advertisement about them, and they were as a rule too expensive, particularly in a country like India which is liable to such sharp oscillations of policy to be sure of a prolonged existence. These remarks apply to his project for a College of Fort William for the education of the young European cadets, which was first vetoed by the Directors and then only sanctioned in a very modified form, and to his schemes for the encouragement of agriculture and horticulture and the study of the flora and fauna of India (which led to the institution of the Gardens and Menagerie at Barrackpore).

"But, unquestionably in all that he did or planned in India Wellesley was actuated by the highest sense of public and personal duty, always operating, however, as a gracious dispensation from a benign Providence. His administration was conscientious, laborious and upright, and was untouched by any of those public scandals that had disfigured the reign of some of his predecessors. Even his pomp and show were dictated by the desire to do full justice to a great station and a supreme responsibility." (*Ibid*, p. 175.)

According to Warren Hastings, "Lord Wellesley has constructed a political system of vast strength and extent, but of a weight which will require that it should be continually upheld by an arm as strong as his ; but that if they nominate a successor to him, of abilities much inferior to his, and of an activity of mind not equal to his, the whole structure will fall to pieces and all that we formerly possessed be lost in the same ruin." Again, "The Governor-General has

committed the heinous crime of using expressions of Ridicule and Contempt about the Company at his table and the words have been carried home. If I were in his confidence, I would tell him that civility costs little."

According to Lord Holland, "He (Wellesley) had more genius than prudence, more spirit than principle, and manifestly despised his colleagues as much as they dreaded him. Unlike most English politicians, he was rather a statesman than a man of business, and more capable of doing extraordinary things well than conducting ordinary transactions with safety or propriety." Again, "Yet there was a smack, a fancy of greatness in all he did; and though in his speeches, his manners and his actions he was very open to ridicule, those who smiled and even laughed could not despise him."

According to Alfred Lyall, Wellesley "crushed in a single brief campaign the Sultan of Mysore; he disarmed and disbanded the formidable *corps d'armes* of fourteen thousand sepoys under French officers that was maintained by the Nizam; he took possession of the Carnatic, annexed half the dominions of the Oudh vizier, forced all the great military States into subjection or subsidiary alliance, and by completely breaking down the power of the Maratha confederacy he removed the last important obstacle to the accomplishment of our undisputed supremacy.

"We may regard with just admiration the high qualities shown by the Governor-General in the prosecution of this magnificent career, his rapid apprehension of a complicated political situation, and the vigour and address with which he carried out not only military operations and diplomatic strokes, but also the reforms of internal administration, and the organization of government in the ceded or conquered provinces. No man was ever a better subject for panegyric; nor is it worth while to scan too closely, at this distance or time, the defects of a great public servant by whose strenuous qualities the nation has very largely profited. It is essential, however, to lay stress, for historical purposes, on the peculiar combination of circumstances which gave scope and encouragement to Lord Wellesley's ardent and masterful statesmanship, and which enabled him to treat those who opposed him or criticized him with the supreme contempt that his home correspondence invariably discloses. He had left England and reached India in the darkest hour of the fierce struggle between the French and English nations, when Bonaparte's star was in the ascendant over Europe, when he was invading Egypt and meditating Asiatic conquests, and when at home a powerful Tory Ministry was governing by measures that would in these days be denounced as the most arbitrary coercion. At such a conjuncture there was little time or inclination to look narrowly into Wellesley's declarations that the intrigues of the French in India and the incapacity or disaffection of the native rulers reduced him to the necessity of dethroning or disarming them, and that for our rule to be secure it must be paramount. As a matter of fact, he was applauded and supported in measures many times more high-handed and dictatorial than those for which Hastings had been impeached a dozen years earlier. During that

interval the temper of the English Parliament had so entirely changed, that he could afford to ride roughshod over all opposition in India, and to regard the pacific Directors of the East India Company as a 'pack of narrow-minded old women'."

To quote Lyall again, "The avowed object of Lord Wellesley had been to enforce peace throughout India, and to provide for the permanent security of the British possessions by imposing upon every native State the authoritative superiority of the British Government, binding them down forcibly or through friendly engagements to subordinate relations with a paramount power, and effectively forestalling any future attempts to challenge our exercise of arbitration or control. In short, whereas up to his time the British Government had usually dealt with all States in India upon a footing of at least nominal political equality, Lord Wellesley revived and proclaimed the imperial principle of political supremacy. All his views and measures pointed towards the reconstruction of another empire in India, which he rightly believed to be the natural outcome of our position in the country, and the only guarantee of its lasting consolidation. It must be acknowledged that Wellesley's trenchant operations only accelerated the sure and irresistible consequences of establishing a strong civilized government among the native States that had risen upon the ruins of the Moghul empire; for by swift means or slow, by fair means or forcible, the British dominion was certain to expand, and the armed opposition of its rivals could not fail to be beaten down at each successive collision with a growing European power."

Lord Cornwallis (1805). Lord Cornwallis was sent to India for the second time with the object of undoing the mischief which Lord Wellesley was considered to have done. He came to India with the determination to revert to the policy of non-intervention. He tried to end the hostilities with Holkar and pacify Scindhia. He decided to restore Gwalior and Gohud to Scindhia. He also decided to give up all territory west of the Jamuna and withdraw the protection of the English Company from the Rajput States. However, Cornwallis could not carry out his policy as he died in October 1805. He was in India for a few months only.

Sir George Barlow (1805-7). When Lord Cornwallis died in 1805, Sir George Barlow, the senior member of the Governor-General's Council, was appointed the Governor-General. Like a typical civil servant, Sir George Barlow strictly followed the policy of non-intervention. He gave back Gwalior and Gohud to Scindhia. He withdrew British protection from the Rajputs. He also agreed to fix the Chambal river as the boundary line between Scindhia's territory and the possessions of the English Company. He also offered very advantageous terms to Holkar although his position had become very weak on account of the action of Lord Lake. He was asked to enter into a subsidiary alliance.

However, Sir George Barlow forced the Nizam to abide by the terms of the subsidiary alliance and refused to allow him to make any alterations. The directors of the English Company asked Sir George Barlow to withdraw from the treaty of Bassein and allow

the Peshwa to resume his old position. However, he resisted the orders of the Directors and the treaty of Bassein continued.

Another event of Sir George Barlow's tenure of office was the mutiny of the sepoys at Vellore. Certain orders had been passed demanding the putting on of certain kinds of military uniforms. New regulations also prescribed the fashion of wearing the hair. The people considered it to be an interference into their religious affairs. British officers were massacred. Lord William Bentinck, the Governor of Madras, could not handle the situation satisfactorily and was consequently recalled.

Lord Minto (1807-13). Lord Minto succeeded Sir George Barlow in 1807. Before coming to India as Governor-General, Minto was the President of Board of Control. He came to India with the firm conviction that the policy of non-intervention was in the best interests of the English Company. However, he had to modify his policy in certain cases.

In 1809, a Pathan chief called Amir Khan invaded Berar and he had with him 40,000 horsemen and more than 20,000 Pindaris. The British Government had no obligation, moral or legal, to help Berar because the Raja had refused to enter into a subsidiary alliance with the Company. In spite of this, Lord Minto intervened to put an end to the anarchy in the country. Amir Khan was defeated and turned out from Berar and thus peace was maintained. In 1809, Lord Minto entered into the Treaty of Amritsar with Maharaja Ranjit Singh. Sir Charles Metcalfe played the most important part in this connection. The Sikh territory was to be on the other side of the Sutlej. This treaty was observed by both the parties for 30 long years.

John Malcolm was sent by Lord Wellesley to Tehran on account of its critical position. The Home Government also sent Sir Harford Jones to do the same job. The Indian Government accepted the treaty entered into by the envoy of the Crown.

Elphinstone was sent to Kabul on a similar mission. However, he met Shah Shuja, the King of Afghanistan, at Peshawar. He agreed to oppose the French and the Persians if they attacked India. However, not much came out of it because Shah Shuja was himself turned out from his country.

Lord Minto took up the offensive againt the French. He sent a naval expedition againt the French colonies of Bourbon and Mauritius. These islands were captured. Another expedition was sent to Java.

In 1813, the Charter of the English East India Company was renewed for 20 years. The same year Lord Minto was succeeded by Lord Hastings.

According to Lord Curzon, "Lord Minto was one of the class of Governors-General who leave no particular mark on history and cease to be remembered either for good or ill. Coming out to pursue the policy of peaceful isolation which had been unsuccessfully practised by his immediate predecessors, he soon found himself driven

into courses which even Wellesley would have approved." (*British Government in India*, p. 184).

Suggested leadings

HUTTON, W. H. : *Marquess Wellesley* (1897).

MALCOLM, SIR JOHN : *Political History of India from* 1784 *to* 1823 (1826).

MINTO : *Lord Minto in India* (1880)

MOHIBBUL HASAIN KHAN : *History of Tipu Sultan* (1952).

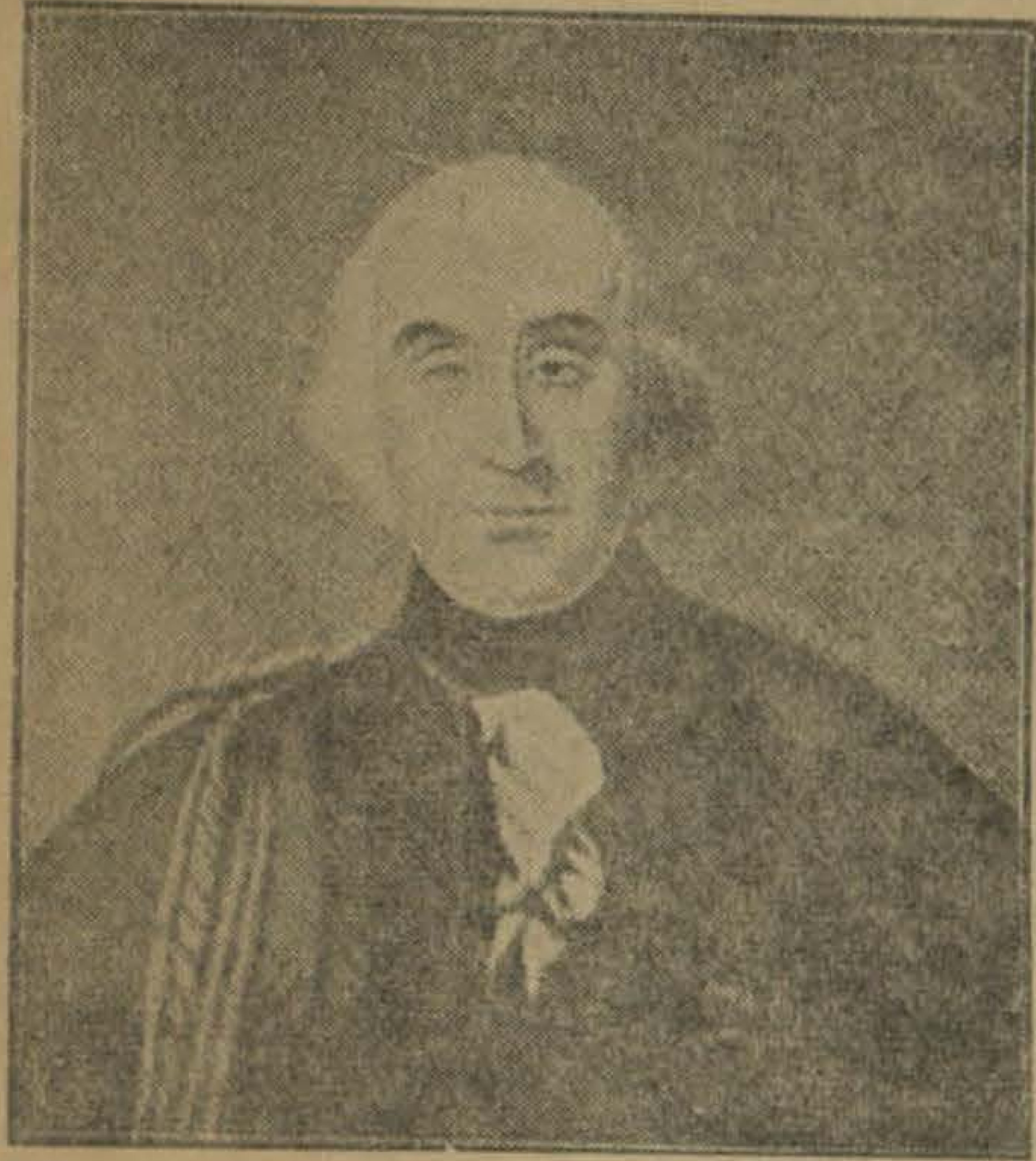
ROBERTS, P.E. :*India under Wellesley* (1929).

TONRES, W.M. *Marquess Wellesley* (1850).

CHAPTER VIII

LORD HASTINGS AND AMHERST

Lord Hastings (1813-23). Lord Hastings or Earl of Moira wa appointed the Governor-General in Bengal in 1813 and he occupied that exalted office for a decade. He completed the work which was started by Warren Hastings and continued by Lord Wellesley. He came to India with a determination to follow a policy of non-intervention into the affairs of the country, but later on felt that the situation of the country was such that it was not possible the follow that policy. There were dangers from many quarters and only a policy of intervention could suit.



Lord Hastings

War With Nepal (1814-16). Lord Hastings had first of all to deal with Nepal. This country was inhabited by the Gorkhas who were very hardy warriors, They had grown in strength by slow degrees and established their control over the whole of the hilly region from the frontier of Bhutan in the east to the Sutlej on the west. The Gorkhas were determined to extend their territory over the plains and that could be done only at the cost of the territory of the English East India Company.

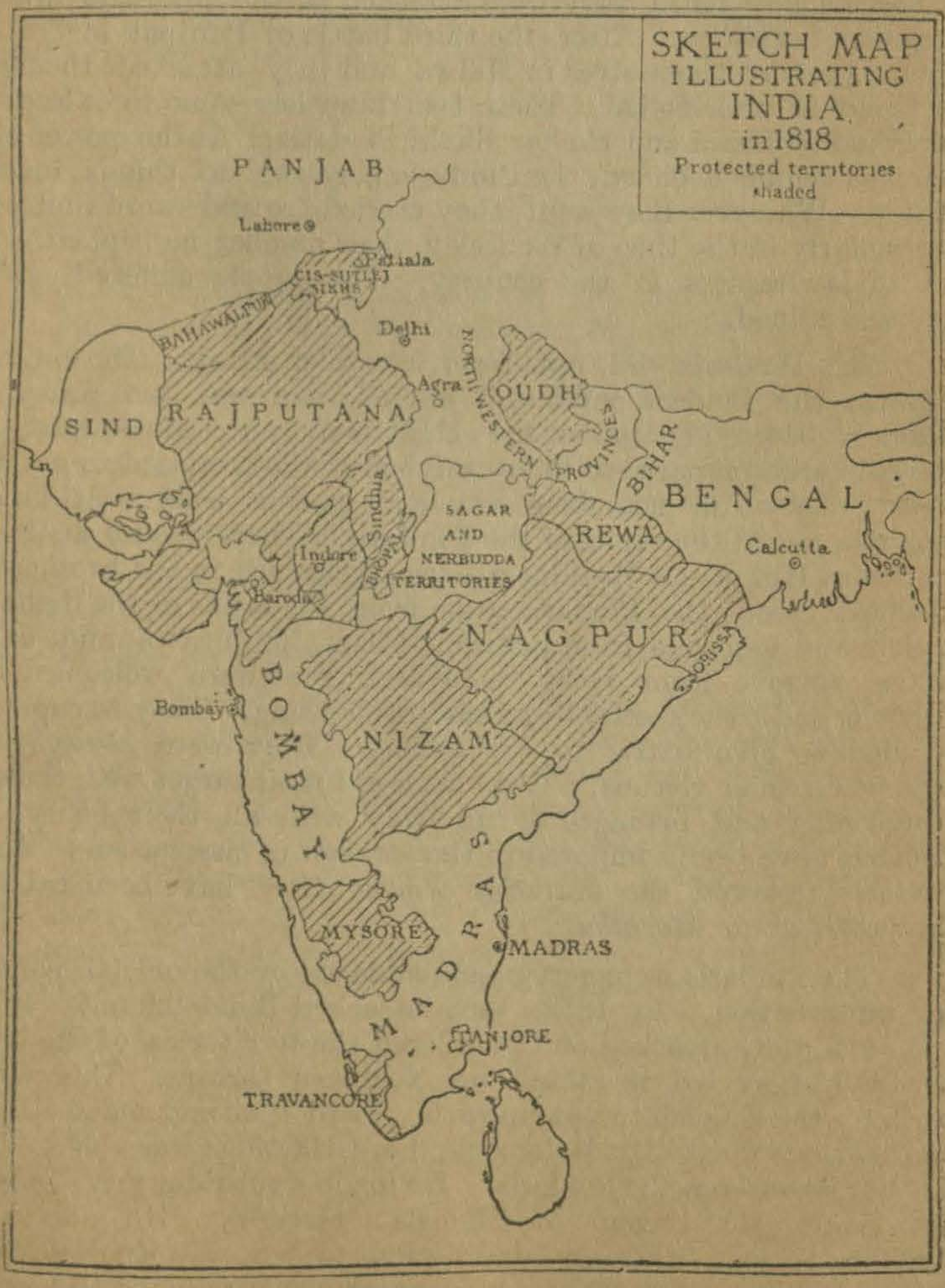
The non-intervention policy of some of the Governors-General of Bengal encouraged them to attack and occupy certain villages on the British side of the frontier. The climax was reached when the Gorkhas occupied the districts of Butwal and Sheoraj. As the Marathas refused to restore them even when a demand was made on them, war had to be declared in 1814.



General Ochterloney

All military strategists[1] agree on the point that Nepal is a very difficult country from the military point of view. It is true that elaborate plans were prepared in advance, but most of them were ill-executed. The fighting qualities of the Gorkhas also made victory over them a difficult task. General Gillespie who had fought heroically in Java, was defeated and killed by the Gorkhas. Three more generals were defeated. However, things improved under the command of Ochterloney. The English were able to occupy Almora. Amar Singh, the Gorkha leader, was defeated and surrendered. Thereafter, the *Treaty of Sagauli* was signed in March 1816.

By the treaty, the Gorkhas gave up most of their claims in the Tarai along their southern border. The provinces of Garhwal and



1. *Cf.*, "Lord Hastings conceived and carried through the greatest strategical operation ever undertaken in India."

Kumaon were also surrendered and the English thus got the site of Simla. The north-western frontier of the English Company was carried right up to the mountains. The Gorkhas were to accept a resident in their capital.

The importance of the Treaty of Sagauli cannot be over-emphasized. The friendship established between the two countries in 1816 has continued since then. The Gorkha soldiers have been welcomed in the Indian army. They are employed in very large numbers in many other jobs by the Indians. The treaty of 1816 thus established an abiding friendship between India and Nepal.

Pindari War (1817-18). After the Gorkhas, Lord Hastings had to deal with the Pindaris. Their origin is not known but in the time of Peshwa Baji Rao I, they were attached to the Maratha army as irregular horsemen. After the third battle of Panipat in 1761, the Pindaris settled themselves in Malwa and they attached themselves to Scindhia and Holkar. Their two branches came to be known as the Scindhia Shahi and Holkar Shahi Pindaris. As the power of the Maratha chiefs declined, the Pindaris began to do things independently. Wherever they went, they carried fire and sword him them. Particularly in the time of Wellesley, their number multiplied. This led to lawlessness in the country. The people suffered and the Pindaris gained.

The Pindaris did not form a regular army. The only link between the Pindari chief and his followers was the prospect of plunder. Even loyalty to the chief was not continuous. The Pindaris were prepared to follow anybody who promised to get them booty. They did not form any homogeneous body. All kinds of elements joined the ranks of the Pindaris. There was no distinction between a Hindu or a Muslim. All were welcomed to the brotherhood. In most cases, the Pindaris came from the ranks of the disbanded leaders and fugitives from justice. Idlers, profligates and unscrupulous persons from every caste and creed were welcomed. The Pindaris had their special technique of fighting. They scrupulously avoided to give battle to the enemy. They were always on the lookout for their victims. They attacked their target with the speed of lightning and managed to run away with all their booty. The Pindaris have been compared to the swarms of the locusts. As the Pindaris followed the Maratha armies, they have been called the *scavengers of the Marathas.*

The Pindaris were getting emboldened by the official policy of non-intervention. In 1812, they attacked Bundelkhand. In 1815 and 1816, they attacked and plundered the territories of the Nizam. In 1816, they led an attack on Northern Circars. This was too much for the English to put up with. Lord Hastings made elaborate preparations for it. By diplomacy, Lord Hastings was able to detach the Marathas from the Pindaris. He made a subsidiary alliance with Apa Sahib, the Regent of Bhonsla's territory. He also forced Scindhia to sign a treaty binding him to help the English against Pindaris. Then comprehensive preparations were made to hunt out the Pindaris. The army of Hindustan was commanded by Lord Hastings himself. The army of the Deccan was commanded by

Sir Thomas Hislop. The ring of iron and steel was spread all over the territory to hunt out the Pindaris. They were ruthlessly chased. Some of them were completely destroyed and the others were broken up. Karim Khan, one of the Pindari chiefs, surrendered. Wasil-Mohammed committed suicide. Chitu was eaten by a tiger. Amir Khan was persuaded to disband his forces and was made the Nawab of Tonk.

Critics of Lord Hastings pointed out that his policy towards the Pindaris was a generous one. He should have been more stiff with the enemies of civilization.

Third Maratha War (1817-18). Lord Hastings had tried his utmost to avoid a combination of the Marathas and the Pindaris. In spite of this precaution, *"the hunt of the Pindaris became merged in the Third Maratha War."* (V. A. Smith).

It is a matter of history that although the Peshwa had entered into the treaty of Bassein in 1802, he was not satisfied with his present position and was intriguing to free himself from the British control. Such a move could not be palatable to the English Company.

In 1815, Trimbakji, a minister of the Peshwa, murdered a Brahmin envoy of the ruler of Gaekwar who had gone to Poona under a British safe-conduct. As foul play was suspected, Elphinstone, the British resident, forced Baji Rao Peshwa to surrender Trimbakji. He also forced the Peshwa to enter into a new subsidiary alliance and grant a piece of territory for the maintenance of the contingent force. He compelled him to give up the headship of the Maratha Confederacy (1718).

As such a treatment was not liked by Baji Rao, he revolted, and attacked and burnt the British Residency. Elphinstone managed to escape. In the battle of Kirki, the Peshwa was defeated.

Apa Sahib Bhonsla of Nagpur and Holkar declared war against the English. Apa Sahib was defeated at Sitabaldi and forced to surrender. Holkar's armies were also defeated and crushed in the battle of Mahidpur. The Peshwa was also pursued and defeated at Ashti and Koregaon. In 1819, Asirgarh was captured. Baji Rao Peshwa was forced to surrender himself to the British in 1818 and thus the third Maratha War ended. Elphinstone gave a very generous treatment to the defeated Peshwa. It is true that the office of the Peshwa was abolished but Baji Rao was given a pension of Rs. 8 lacs a year for his life. A representative of the line of Shivaji was put on the throne of Sitara. Apa Sahib of Nagpur was deposed and a new Raja was put in his place. The Narbada territories of Bhonsla were annexed. Holkar was forced to enter into a subsidiary alliance and grant some territory for the maintenance of the contingent army. He was also forced to give up all his claims on the Rajput States.

It is evident that the power of the Marathas was completely crushed and henceforth they were not in a position to raise their head again. Marshman has described the results of the above wars

in these words : "The wars subdued not only the native armies but the native mind and taught the princes and people of India to regard the supreme command in India as indisputably transferred to a foreign power. It placed the Company on the Moghul throne with a more absolute authority than Akbar or Aurangzeb had ever enjoyed."

According to Dodwell, "The settlement of 1818 marks the beginning of the paramountcy of the East India Company. No State remained which could challenge its supremacy. No State remained which could reject its alliance. The project of Wellesley had been realised. All the principal States of India had been brought into agreement with the Company, and had placed in its hands the conduct of political relations. Many had accepted a subsidiary force, which implied a position of dependency. The peace of India had been assured. The wars which for a century and a half, had desolated India had been brought to an end. But if the political project of Wellesley had been completed one aspect at least had been neglected. The treaties into which Moira had entered had not been treaties such as Wellesley would have ratified, for they all omitted those stipulations on which he would have set a high importance. Moira's treaties all included some clause intended to avoid all possibility of interference on the part of the Company's government in matters of internal administration. Unlike Wellesley, Moira limited his views to the regions under the direct control of the East India Company, while Wellesley had envisaged the good of India as a whole. Consequently the Company found itself committed to a number of alliances by which it was bound to support the reigning prince without much regard for the quality of his administration. The relations which had characterised the alliance with the Nawab of Arcot or with the Nawab of Oudh were perpetuated over a wide field. The Governor-General, to whom it was given to establish the paramountcy of the Company, did not choose with it to recognise the responsibility of the Company for the general well-being of India. While, therefore, Moira's conduct of relations with the Maratha princes was marked by an exact and vigorous estimate of political forces, he shrank from the more extended responsibility which Wellesley sought, and which, if Wellesley had been left for another year in power, he would probably have assumed. In short, the settlement of 1818 imposed upon the Company all those ambiguities and uncertainties which were afterwards to mark its relations with the native states." (*The Cambridge Shorter History of India*, pp. 485-87).

Internal Reforms—Judicial. Many reforms were carried out during the regime of Lord Hastings. The problem facing the country was the ever-growing number of undecided cases in the courts of justice. As the cases were not disposed of for years, parties were forced in many cases to take the law in their own hands. The problem could be tackled by increasing the number of courts, but the Company was reluctant to increase the number of courts because such a step involved additional expenditure. Publicists like Mill attacked the miserliness of the Company.

In 1814, Lord Hastings provided that there was to be a Munsif in every Thana. These Munsifs were to be appointed by the judges of the Diwani Adalat although the power of approval was left with the provincial Court of Appeal. Munsifs were empowered to try cases up to the value of Rs. 64 and their own decisions were to be confirmed by the judges of the Diwani Adalat. Appeals could be taken to the Diwani Adalat from the decisions of the Munsifs. The Munsifs could be removed on grounds of misconduct, incapacity or neglect of duty. In addition to Munsifs, Sadar Amins were also appointed in every zilla or city. The number of the Sadar Amins depended upon the requirement of the area. Appointmænts were to be made by the judges of the Diwani Adalat but the approval of the Provincial Court of Appeal was necessary. They were empowered to try cases up to Rs. 150. However, Sadar Amins were not allowed to try cases in which British subjects, Americans or Europeans were involved. Appeals could be taken against the decisions of the Diwani Adalat.

An attempt was made to decrease the arrears of work by abolishing the right of appeal in certain cases. Generally, only one appeal was allowed. It was provided in 1814 that appeals were to be taken from the Diwani Adalat to the Provincial Court of Appeal. However, if the latter tried a case in its original jurisdiction, an appeal could be taken to the Sadar Diwani Adalat.

Lord Hastings also increased the powers of the Registrars. Cases up to the value of Rs. 50 were to be sent to the Registrars for disposal. In exceptional cases, the Diwani Adalats were empowered to refer cases involving more than Rs. 500 to the Registrars. Provision was made for the taking of appeals directly to the Provincial Court of Appeal against the decisions of the Registrars.

It was further provided that in future all cases whose value was not more than Rs. 5,000 were to be instituted in the City Diwani Adalat or Zilla Diwani Adalat. The Sadar Diwani Adalat was given the power to transfer cases from the District or City Diwani Adalat to the Provincial Court of Appeal. If the amount involved was more than Rs. 5,000, provision was made for the institution of those cases directly in the Provincial Court of Appeal. Sometimes, those cases could be transferred to the Sadar Diwani Adalat also.

It was provided in 1821 that if one Munsif was considered to be insufficient for the work in hand, more Munsifs were to be appointed for that purpose. They were allowed to try cases up to the value of Rs. 150. Sadar Amins were also allowed to try cases up to the value of Rs. 500.

In 1815, it was laid down that no person was to be deemed to be qualified to be appointed to the office of a judge of the Sadar Diwani Adalat unless he had previously officiated as a judge of the Provincial Court of Appeal, for a period of not less than three years or had worked for not less than 9 years in a judicial capacity.

Lord Hastings provided in 1818 that the magistrates were to be empowered to give the punishment of imprisonment with hard

labour up to two years corporal punishment of not more than 30 stripes.

Another regulation of 1821 provided that it should be competent for the Governor-General-in-Council to authorise a Collector of Revenue or other officers employed in the management or superintendence of any branch of the territorial revenues to exercise the whole or any portion of the powers and duties vested in the magistrates or to employ a magistrate in the collection of public revenue and also invest the person so employed with the whole or any portion of the powers of the Collector of Revenue. The powers of the Collector were increased tremendously.

Revenue Reforms. Lord Hastings appealed to the Directors of the Company for a Permanent Settlement. However, his suggestion was not accepted. Arrangements were made with the representatives of every village community for the adjustment of shares of the individuals.

The Bengal tenancy Act was passed in 1822. Provisions were made very stringent.

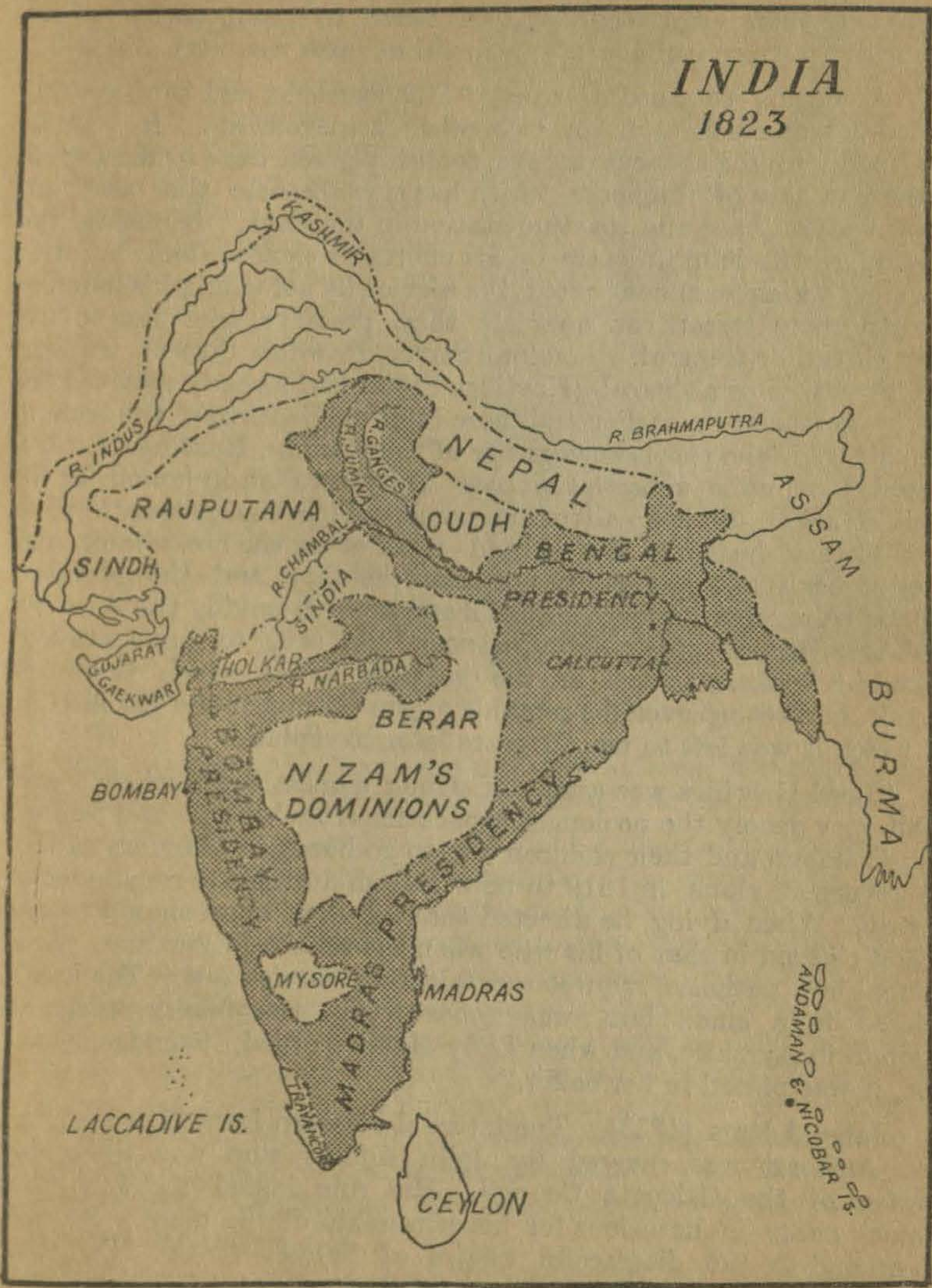
Sir Thomas Munro was the Governor of Madras in 1820. He introduced the Ryotwari system. There were to be no intermediaries. Elphinstone fixed the rights and rents of each ryot after a survey.

Education. Efforts were made to promote education among the people. A college was opened at Calcutta for the spread of English language. Similar measures were adopted by the various provincial Governments.

Press. To begin with, more liberty of action was given to the press and censorship was abolished. However, restrictions were imposed soon after on ground of their necessity.

Estimate. Undoubtedly, Lord Hastings completed the work of Lord Wellesley. After his departure in 1823, there was no serious rival of the English East India Company in India. Not only was the office of the Peshwa abolished, Holkar was deprived of half of his territory. Bhonsla Raja became a vassal of the English Company. Scindhia was humbled and made impotent. He established law and order in the country after crushing the power of the Pindaris. Both his military achievements and internal reforms accomplished a great deal. According to Mill, "The administration of the Marquess of Hastings may be regarded as the completion of the great scheme of which Clive had laid the foundations, and Warren Hastings and Marquess of Wallesley had reared the super-structure. The growing pinnacle was the work of Lord Hastings and by him was the supremacy of the British empire in India proper finally established. Of the soundness of the work no better proof could be afforded than the fact that there has been no national warfare since his administration. Rajputs, Marathas and Mohammedans have remained at peace with one another under the shade of British power. The wars in which the latter had been engaged have carried that power beyond the frontiers of Hindustan, but no interruption of internal tranquillity from the Himalayas to the sea has been suffered or attempted."

Roberts has drawn a comparison between Lord Hastings and Lord Wellesley in these words: "His material achievements chal-



lenged comparison with those of Lord Wellesley, but he was of course not so great or commanding a figure. He owed much to the success of his administration to a brilliant band of subordinates, men who had been trained and inspired by his great predecessor. Hastings did not possess Wellesley's dignity, eloquence or originality; there was an element of vanity in his otherwise estimable character, and signs are not lacking that he would hardly have shown Wellesley's equanimity in the face of reverses or his noble consideration of defeated generals. On the other hand, he conceived and carried

through the grandest strategical operations ever undertaken in India, in the course of which twenty-eight actions were fought and a hundred and twenty fortresses taken without a single reverse. He was less precipitate than Lord Wellesley, less harsh to errant native rulers, and he did not proceed against them till his case was very strong."

According to Lord Curzon, "This excellent and hard-working ruler deserves recollection for two other achievements. It was he who made up for the loss of Java, foolishly given back to the Dutch, by the purchase of Singapore, which has since become the most important naval base and coasting station in the East. He earned the undying gratitude of Calcutta by his efforts to cleanse and beautify the city which commemorated the service by attaching his name or titles to more streets or quarters than preserve the fame of any other Governor-General. Loudoun Street, Rawdon Street, Hungerford Street, Moira Street (Hastings Street had already received the title in honour of an earlier and more famous Hastings), the colony of Hastings in the south-west corner of the Maidan, Hastings Bridge, erected by public subscription over Tolly's Nullah in honour of his administration—all keep alive his name. With the proceeds of a great lottery he built the Strand Road along the river bank, and added greatly to the amenities of both the City and the Maidan. Perhaps he rendered a more doubtful service in removing the historic pipal tree, under which Job Charnock was said to have sat and smoked his hookah, as well as the battered pillar which Governor Holwell had set up over the remains of the victims of the Black Hole and which it was left to me, 80 years later to replace.

"Lord Hastings was a man of strong domestic affections ; and he felt very deeply the prolonged separation from his wife and family. Lady Loudoun and their children had to go home in January 1816. She returned alone in 1819 to be with him during the remainder of his stay. When dying, he directed that his right hand should be cut off and clasped in that of his wife when she should follow him. This strange but pathetic request was faithfully carried out. The hand, enclosed in a small box, was deposited in the family vault at Loudoun in Ayrshire, and when Lady Hastings died, fourteen years later, it was placed in her coffin."

John Adams (1823). The interval between Lord Hastings and Lord Amherst was covered by John Adams who was the senior member of the Calcutta Council. His rule lasted for 7 months. Adams' name is notorious for his censorship of the press. He also put an end to the disgraceful affairs of Palmer & Co. He took action against Mr. Buckingham, editor of the Calcutta Journal, who was critical of the work of the Government. The editor was deported. He also passed orders that Palmer & Co. was not to lend any more money to the Nizam. The English East India Company owed a lot of money to the Nizam on account of the annual tribute for Northern Circars. Adams ordered the payment to the Nizam who was thus able to pay off Palmer & Co.

Lord Amherst (1823-28). The most important events of the reign of Lord Amherst were the First Burmese War and the capture of Bharatpur.

First Burmese War (1824-26). Burma was an independent country. Its inhabitants were a source of threat to the security and tranquillity of the possessions of the English East India Company. In 1817-18, the Burmese forces threatened Assam. They also sent a letter to the Indian Government demanding the surrender of Chittagong, Dacca, Murshidabad and Kossimbazar. However, the danger was avoided on account of the defeat of the Burmese at the hands of the Siamese. Peace did not last long. In 1822, Siam was conquered. The security of India was threatened and the English Company had to take action. The Burmese believed that no troops could stand against them. From the king to the beggar, they were hot for a war with the English. The Burmese tried to provoke the English as much as they could. In 1823, they attacked Shahpuri, a small island near Chittagong and commenced the war. Lord Amherst declared war in February 1824.



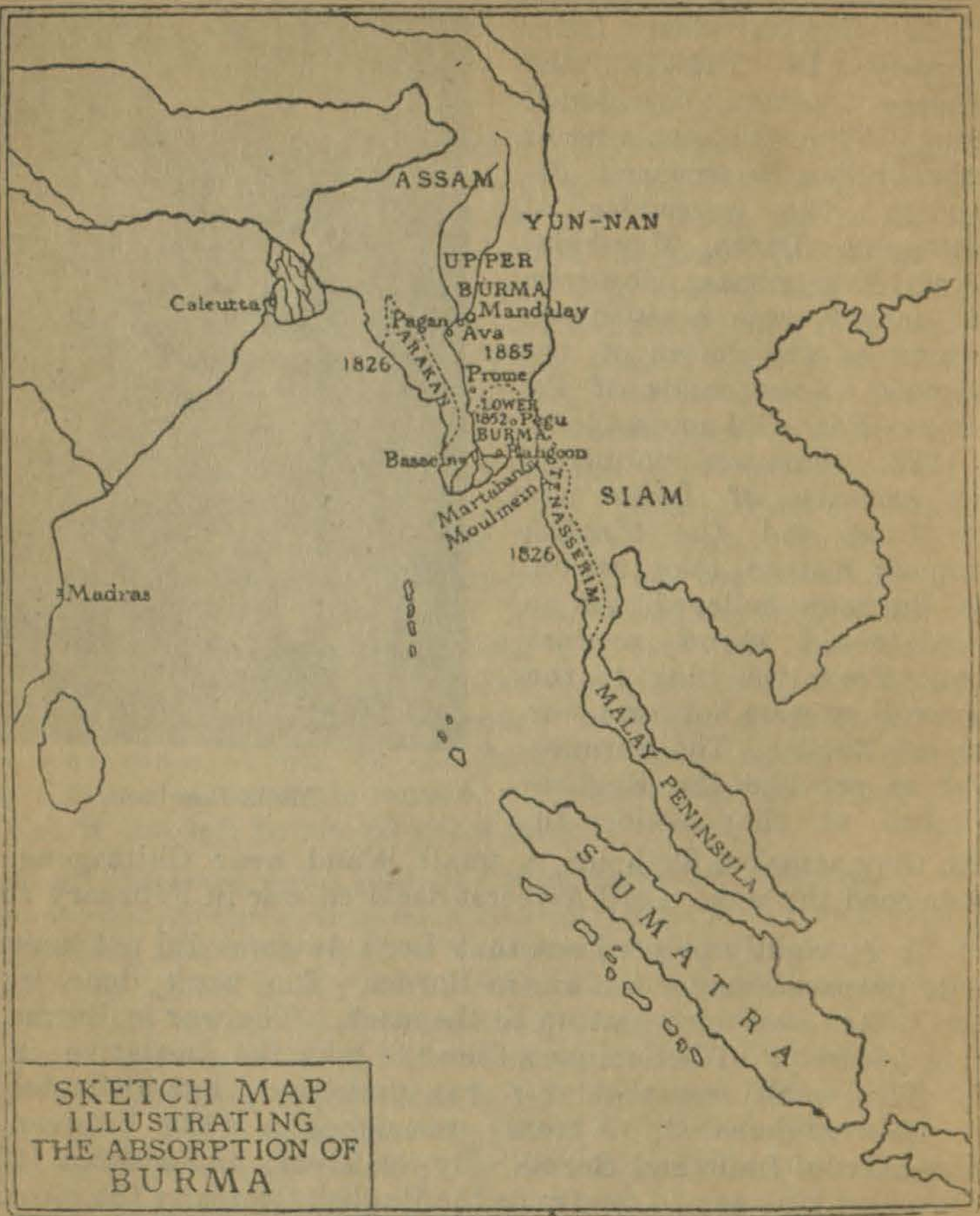
Maha Bandoola

It is rightly pointed out that Lord Amherst did not make adequate preparations for the war in Burma. The work done by his subordinates was also not up to the mark. The war in Burma was fought leisurely. The Company failed to take the initiative in the war. The result was that war was prolonged, but ultimately the Burmese were defeated. A treaty was signed in 1826 between the Government of India and Burma. By the *Treaty of Yandaboo* (1826), the Burmese king agreed to give to the English Company the provinces of Arakan and Tenasserim. Burmese forces were to be withdrawn from Assam and Cachar. They recognised the independence of Manipur and entered into a commercial treaty. They also agreed to take a British Resident at their capital and pay a war indemnity of one million pounds.

It cannot be denied that the Burmese War was a very expensive one. It lasted for two years. It is stated that if Lord Amherst had spent more time on preparations, he might have been able to avoid many a pitfall but unfortunately Lord Amherst could not do otherwise. He was a man of mediocre ability and never showed his firm grasp of the problems of the country.

Capture of Bharatpur. There was a dispute at Bharatpur after the death of the Raja. The British Government recognised the claims of the minor. Durjan Sal, the other claimant, started war preparations to vindicate his right. The fort of Bharatpur was

captured. A large number of persons were captured by the British troops. Sir Charles Metcalfe wrote thus : "Our plundering here has



SKETCH MAP ILLUSTRATING THE ABSORPTION OF BURMA

been very disgraceful......until I can get rid of the price agents, I cannot establish the sovereignty of the young Raja whom we came professedly to protect but have been plundering to the last Lotah since he fell into our hands."

A reference may also be made to the mutiny at Barrackpore. A Sepoy regiment was ordered to go to Burma. The Sepoys thought that they would be losing their caste by doing so and refused to obey. However, the mutiny was crushed and the soldiers were shot.

The Burmese war had made the Governor-General very unpopular and the story of the mutiny at Barrackpore made him all the more so. From the end of 1825, the ship of Amherst was labouring in very heavy waters. He was saved for a time by the intervention of the Duke of Wellington. However, in March 1826, the news reached the Governor-General that he was about to be recalled.

Calcutta took his side and so also did the Home cabinet. For months together, the unhappy Governor-General was left in almost daily expectation of being recalled. In August 1826, he made up his mind to resign. However, in May 1827, there arrived a resolution of thanks and compliments from the Court of Directors. In spite of that, his resignation which was submitted on the score of ill-health, was accepted. In march 1828, Lord and Lady Amherst left Calcutta after a chequered reign. Among the British rulers of India, Lord Amherst left one of the most inconspicuous and impalpable of impressions.

Suggested Readings

LAURIE, W.F.B. : *Our Burmese Wars and Relations with Burma* (1880).

MEHTA, M.S. : *Lord Hastings and the Indian States.*

NISBET, J. : *Burma Under British Rule and Before* (1901).

PHAYRE, SIR, A. : *History of Burma* (1883).

PRINSEP, H.T. : *History of the Political and Military Transactors in India during the Administration of the Marquess of Hastings* (1825).

SNODGRASS, MAJOR : *Narrative of the Burmese War* (1827).

CHAPTER IX

RISE AND FALL OF THE PESHWAS

According to Dr. Sinha, "The difficulties of Sahu and the great political unrest of Maharastra are the chief factors in the rise of the Peshwas. Their rise is neither phenomenal nor accidental. They gradually worked their way up from an ordinary position to the headship of the State and eventually to *de facto* sovereignty. Balaji Vishwanath is the founder of the house of the Peshwas, who made the office hereditary in their family, paralysed the power of their colleagues and ultimately that of the king. To start with, they occupied a rank second to the Pratinidhi's. They had first to sweep him aside before they could make their position supreme in the State, and once supreme in the State, the king automatically yielded place to them. And all these they achieved on account of their superior ability. Thus in the attainment of supremacy they had first to eclipse the Pratinidhi and the rest of their colleagues, and then the king. These two phases should be clearly noticed as the reader proceeds with the narrative, for 'this transfer of authority from the masters to the servant is so gradually, silently, carefully accomplished that the successive steps important as they were in relation to the whole move, escaped all contemporary notice." (*Rise of the Peshwas*, p. 9).

Balaji Vishwanath (1714-20). Balaji Vishwanath enjoyed the trust and confidence of his master, Sahu, and no wonder he was appointed to the post of Senakarte or Organiser of Forces. Balaji's ancestors were Deshmukhs. He himself was employed as a clerk in the salt-works at Chiplun. In 1689, he worked as a revenue clerk and later on was appointed as Sar-Subah of Poona and Daulatbad. He seems to have come into contact with the Mughals and Sahu about 1705. Sahu had a very high opinion of the ability, loyalty and character of Balaji. The latter was one of those persons who joined Sahu after his release. He also played a very important part in crushing the opposition to Sahu.

Taking full advantage of the dissensions and intrigues at the Mughal court at Delhi, the Marathas gained strength and influence. In 1719, Balaji Vishwanath was invited to Delhi to help the Sayyad Brothers. Although Farrukh Sayyar was killed in 1719, Balaji Vishwanath got three grants from Mohammad Shah, the new Mughal emperor. The three grants are considered to be the foundation-stone of the great fabric of the Maratha empire in India. The first grant gave to the Marathas the right of Chauth or one-fourth share of the revenues of the Deccan and Southern India including Hyderabad, the Karnatak and Mysore. The second grant gave the right of Sardeshmukhi or one-tenth share of the produce over and above the Chauth. The third grant recognised the right of Swaraj or the entire sovereignty of the Marathas over their country.

Sahu was not to molest Sambhaji of Kolhapur and he was to pay an annual tribute of Rs. 10 lacs to the Mughal emperor. The emperor was to release and send back from Delhi Sahu's mother, his wife, his brother and the members of the Maratha royal family detained at Delhi.

According to Dr. Sinha, "This journey of the Marathas to Delhi produced far-reaching consequences in their history. Besides its immediate advantages it deeply coloured the later policy of the Marathas, and came as an eye-opener to them in many respects. For long the Marathas, who had looked upon the imperial power and prestige with awe, witnessed at Delhi what that power actually meant. The halo of glory that surrounded the names of the descendants of Babar and Akbar, whom the president of Fort William addressed as 'the Absolute Monarch and Prop of the Universe,' vanished into the lurid light of utter contempt when the Marathas found them reduced to mere tools at the hands of the unscrupulous courtiers, and dragged to dishonour and ignominous death. Delhi reeking with blood, courtiers thriving in machination, the emperor an instrument of the ambitious nobles, the central authority levelled to the dust—all these revealed the realities about the Mughal empire. Long before, their great king Shivaji had proved to his people that the Mughal army was not invincible, and the Mughal territory not inviolable. Further they had been sufficiently disillusioned with regard to the real strength of the Mughals during their War of Independence (1690-1707). Now they realized full well that the Mughal empire was rotten to the core, that it could never sustain its pristine glory and perhaps, who knows, it might fall to the powerful blows of the Marathas. Balaji Vishwanath, a shrewd man of affairs as he was, must have seen with the eyes of a statesman that the splendid structure of the Mughal empire was tottering to its fall, and was a prize worth attempting, and worth fighting for. He and his other Maratha leaders must have conjured up a glorious picture of Hindustan, the homeland of Hinduism and the treasure-house of Asia a land consecrated by a thousand memories of Shri Ram and Shri Krishna so dear to the Hindu heart. This holy land, this rich country they must have thought, would be theirs, if they could but overthrow the Mughals. And then what a difference it would make to Maharastra. Maharastra, sterile and rugged, where 'nature enforces a spartan simplicity, would flow in riches, milk and honey. The gorgeous paraphernalia of the nobles, the polished luxury of the inhabitants, their graceful manners and customs, health and beauty, bearing and speech, all testifying to a cultured society ; the verdant plains of the Ganges and the Jumna, the flower and foliage, the delightful sun and shade—all these must have captivated the eyes and imagination of the rough crude but intelligent Chitpavan Brahmin, Balaji Vishwanath.

"And was this all ? The prestige of their presence at the imperial capital, not as mercenaries, but as the allies and supporters of the king-makers held out to them a promise that they might some day make and un-make emperors. Indeed it was the surest basis on which Balaji Vishwanath could confidently build

his policy of founding a Maratha empire on the ruins of the Mughal empire." (*Rise of the Peshwas*, pp. 67-68).

Balaji Vishwanath was able to accomplish a lot for the Marathas. When he came to power, he found his country torn with a civil war, but he left it peaceful and prosperous. He won for his people Shivaji's Swarajya from the Mughals without a battle and he impressed the Mughal capital with the prestige of the Maratha arms. He strengthened the position of Sahu on his throne. At a time when the Maratha chiefs were playing a waiting game and loyalty was a rare commodity, he by his devotion and sincerity, was able to win the confidence of Sahu and the respect of the people.

Balaji Vishwanath laid the foundations of the furture *Maratha Confederacy*. He was helped in this task by the circumstances prevailing at that time. As a result of the Deccan wars of Aurangzeb, the Mughal empire was completely disintegrated and that helped the Marathas to acquire the right of Chauth and Sardeshmukhi over the six Subahs of the Deccan. The Maratha State set up by Shivaji was also completely destroyed and the system of Jagirs came into existence in Maharastra. Both these factors changed the very nature of the Maratha State and laid the foundations of the Maratha Confederacy.

When Shivaji created the Astapradhans, he paid their salaries in cash. There were no jagirs and no hereditary offices. No change was made by Sambhaji, his son. It was during the time of Rajaram that a change was made in the old system. Rajaram decided to follow a policy of systematically plundering the Mughal territories and for that purpose he assigned the different parts of the Deccan to his commanders or those who professed obedience to him. Thus the Maratha commanders harassed the Mughals in every possible way. Rajaram allowed them to establish their headquarters in their own areas and also to rule over them. Out of their revenues, the commanders paid a share to Rajaram and kept the rest to themselves. They acted on their own initiative and did not depend upon Rajaram for anything except the grant of territory to them. They considered the parts of the country granted to them as their Jagirs which were won and maintained by them entirely by their own strength. The commanders did whatever suited their interests and were not in any way obedient to Rajaram. They took pride in their independence. This system continued not only under Rajaram but also under Tara Bai and Sahu. It is pointed out that the Sawants of Wadi, Kanhoji Angre, Damaji Thorat, etc. did not care for the authority of Tara Bai or Sahu. When after 1707, Sahu wanted to strengthen his hands, he had to ask for the help of the Maratha chiefs who held big jagirs under him. These jagirdars supported Sahu on the condition that their jagirs were not to be touched. As a matter of fact, when Sahu came out victorious, he gave more jagirs to those who had helped him. The policy of Sahu was not to change anything that was old and not to create anything that was new. The result was that the old jagirs were allowed to remain in the hands of their holders. Had he tried to confiscate their jagirs, that might have resulted in trouble. All the high officials surrounding Sahu them-

selves had big jagirs and obviously they were not prepared to part with the same. Balaji Vishwanath himself had huge jagirs and no wonder he did not raise his finger to abolish the system of jagirs. These jagirs had become hereditary.

The grant of the right of collecting Chauth and Sardeshmukhi from the six Subabs of the Deccan to the Marathas by the Mughals in 1719 also favoured the growth of the Maratha Confederacy. The Marathas were given the right of collecting the above taxes but they were also required to maintain peace and order in their territories. That seemed to be a very big job for the Marathas. Balaji solved the problem by dividing the different parts of the Deccan excluding the Swarajya to the various jagirdars or feudatories, ministers of state or his favourites. Balaji himself was to collect money from Khandesh and parts of Balaghat. He assigned Balgam and Gujrat to the Senapati. He gave portions of Gondwana, the Painghat and Berar to Senasaheb Subah Kanhoji Bhonsla. He gave Gangathadi and Aurangabad to the Sarlaskar. He gave the Karnatic to Fateh Singh Bhonsla. He gave Hyderabad, Bedar and the territories between the Nira and Warna to the Pratinidhi. The above officials were allowed to collect Chauth and Sardeshmukhi from their territories. They were allowed to keep a part of the revenues for the maintenance of their establishments and send the rest to the royal treasury. They were independent in their territories to all intents and purposes. They were not in any way subordinate to the Peshwa or Sahu. They collected a lot of money from the territories assigned to them and thereby added to their resources. The possession of a lot of money and large armies enabled them to think in terms of their independence and to all intents and purposes they were actually independent. It was under these circumstances that the State formed by Balaji Vishwanath was later on called *Maratha Confederacy*. The nature of the confederacy remained the same. The only change made later on was that with the conquest of the various parts of India by the Marathas the territories under the Maratha commanders became larger and in the same proportion they began to assert their independence more and more.

The financial arrangements made by Balaji Vishwanath also made the Peshwa and Sahu dependent upon the Maratha military leaders. They had to depend upon the money which they were to get from the Maratha chiefs. According to Dr. Sinha, "The king lived as a pensioner of the feudatories, expecting only his 25% besides the Sardeshmukhi income. The military power had passed out of his hands and by this arrangement he was made dependent on the big Sardars for the maintenance of his office. Balaji did not realise the gravity of this mistake and he further weakened the position of the king by making it a rule that the different establishments of the royal households should be maintained by different Sardars. The Sardars and the Astapradhans like the Bhonsla and Angre were called upon to maintain the royal establishments by monthly payments. The Sachiv had to pay for the upkeep of the royal stables; the Pratinidhi had to pay for that of the royal stores, and the

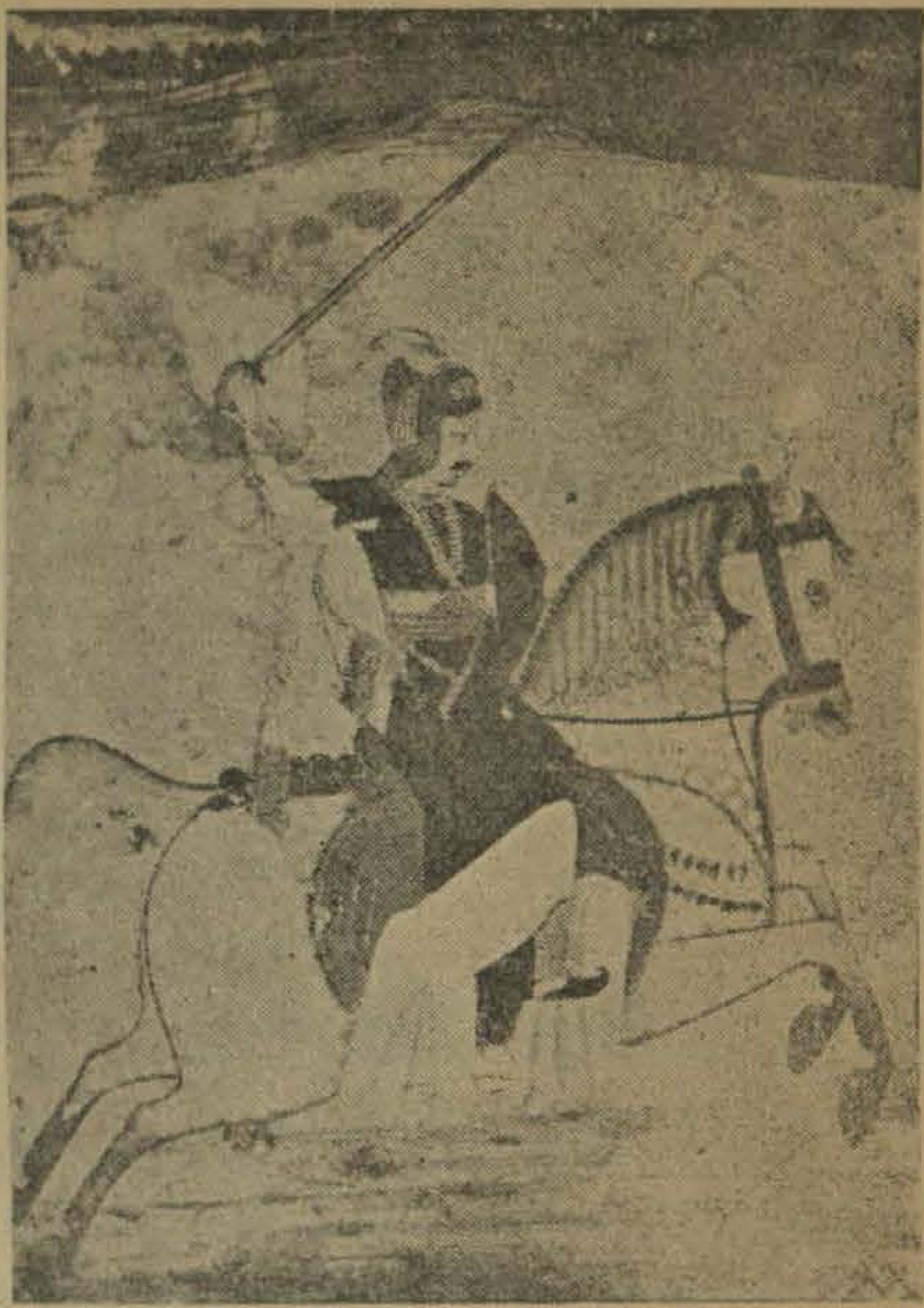
Peshwa, for that of the royal palaces. The officers appointed to see whether every feudatory was sending his contribution every month regularly or not was called the Rajajnya. This arrangement rendered the king only a pensioner of the feudatories in all but name. The discredit of having thus undermined the strength of royal authority goes to Balaji Vishwanath." (*Rise of the Peshwas*, pp. 79-80).

Sir Richard Temple has described the character and achievements of Balaji Vishwanath in these words : "He was more like a typical Brahmin than any of his successors. He had a calm, comprehensive and commanding intellect, an imaginative and aspiring disposition, an aptitude for ruling rude nature by moral force, a genius for diplomatic combinations and a master of finance. His political destiny propelled him into affairs wherein his misery must have been acute. More than once, he was threatened with death for which he doubtlessly prepared himself with all the stoicism of his race when a ransom opportunity arrived. He wrung by power of menace and argument from the Mughals, a recognition of Maratha sovereignty. He carried victoriously all his diplomatic points and sank into premature death with the consciousness that a Hindu empire had been created over the ruins of Muhammedan power and that of this empire the hereditary chiefship had been secured for his family."

According to Sardesai, "The services and achievements of this first Peshwa have not yet received proper recognition in history, since they are matters of only recent research. Sahu in one of his letters styles him *atula parakrami-sevaka*, *i.e.*, 'a servant of incomparable capacity', showing thereby that Sahu did not bestow his Peshwaship on a mere clerk in the employ of the Senapati but on a worthy person of proved merit after a full trial of 5 years and a close personal acquaintance going back to a much longer period. In fact, although sufficient details of this first Peshwa's life and work have not yet been discovered, we have enough ground for asserting that his father and grandfather had been in Shivaji's service, that he possessed long and varied experience obtained by him during the Mughal-Maratha struggle and consequently a secure grasp of the circumstances and the situation in which Sahu and the whole nation came to be placed upon the death of Aurangzeb. He also evinced rare foresight and statesmanship in utilizing all available resources towards completing the task of constructing a Hindu empire, which the Great Shivaji had set before himself and which had all but crumbled away during the troubles of the two preceding reigns. Balaji had to look to the north as his path to the south was permanently closed by the independent existence of Tarabai's kingdom." (*Main Currents of Maratha History*, p. 93).

Baji Rao (1720-40). After the death of Balaji Vishwanath, his eldest son, Baji Rao, was appointed the Peshwa by Sahu. This was done in spite of the opposition of his advisers and chiefs. At the time of coming to power, Baji Rao was hardly a youngman of 19. In spite of his youth, Baji Rao possessed plenty of commonsense, intelligence and very good physique. He was well-versed in diplo-

macy and administration. He correctly camé to the conclusion that the Mughal power was declining and it was possible to snatch away the provinces from it. Baji Rao made the following observation in that connection : "Now is our time to drive the strangers from the country of the Hindus, and acquire immortal renown. *Let us strike at the trunk of the withering tree, and the branches will fall off themselves.* By directing our efforts to Hindustan, the Maratha flag shall fly from the Krishna to Attock." Sahu approved of his policy in these words : "You shall plant it beyond the Himalayas. You are, indeed a noble son of a worthy father." Baji Rao reorganised the armies of the State and started his campaigns in 1731. The Marathas' claim to Chauth and Sardeshmukhi was recognised in that year. In 1732, the Maratha armies over-ran the province of Malwa. Bundelkhand was conquered ; and in 1737, Baji Rao appeared before the very walls of Delhi. Nizam-ul-Mulk advanced from the Deccan to help the Mughal emperor, but he himself was defeated near Bhopal and had to agree to a formal cession of Malwa and Gujrat. According to Dr. Dighe, "The victory of Bhopal marks the zenith of the Peshwa's triumphant career......By defeating the confederate armies at Bhopal, the Peshwa established the supremacy of Maratha arms in India and announced the birth of a New Imperial Power." The Nizam also promised to pay a war-indemnity of Rs. 50 lacs to Baji Rao. In 1739, the Island of Bassein was taken from the Portuguese. Baji Rao died in 1740 after putting the Maratha power on a secure footing.



Baji Rao I

Baji Rao loved a Muslim dancing girl named Mastani. She was an exceedingly accomplished lady and was the most charming lady of her time in India. She was a good musician and looked after Baji Rao like a devoted wife. It is said that Baji Rao's addiction to meat and wine was due to her influence. Both of them died in 1740.

All his life Baji Rao tried to accomplish two things. He tried to expand the Maratha power in the north and also tried to ensure harmonious co-operation of the Maratha Confederacy by a

process of inter-dependence of its various members. As pointed out above, he succeeded in his mission of extending the Maratha power in the north but in his second mission he failed. His attitude towards the Maratha Confederacy was one of domination. What he aimed at was that the members of the Maratha Confederacy should be guided by the Peshwa. Their internal and external relations should be scrutinized and controlled by him. They should not make war and peace without his approval. His foreign conquests were also meant to include the conquest of the Maratha Confederacy. He did not want actually to rule all over Maharastra but he wanted to dominate over the whole of Maharastra.



Mastani

Baji Rao has been criticized for his aggressive attitude towards the Maratha Confederacy. It is pointed out that he should have followed a policy of conciliation towards them. However, it appears that hisown experience during the first 11 years of office had brought him to the conclusion that he could not expect sympathy and co-operation from his colleagues or the Maratha chiefs. The result of his policy was that a deep resentment was created against his domination.

Baji Rao enjoyed the confidence of Chhatrapati Sahu. The result was that Sahu left everything into the hands of the Peshwa. Baji Rao had his way in everything. This directly resulted in undermining the authority of the Chhatrapati. The Peshwa decided to make Poona the city of his power. In 1730, he started building a castle there and later on the same was strongly fortified. The other Maratha chiefs also followed the example of Baji Rao. Pratinidhi established his power at Karhad, Sachiv at Bhore, Senapati at Talegaon and Bhonsla at Nagpur. Each of them regarded himself independent of the King or the Peshwa. Such a spirit led to the defiance of royal authority. Dr. Sinha points out that the policy of domination ensured the rise of the Peshwa but enfeebled the unity among the various members of the Maratha Confederacy and indirectly hastened its fall.

Baji Rao was a great general and soldier. He possessed an indomitable courage and extraordinary personal bravery. He was incomparable as a soldier. No amount of hardship or fatigue was too much for his iron constitution. In guerilla warfare, he had no equal. He was next only to Shivaji. The way he humbled the pride of Nizam-ul-Mulk shows his ability. He inspired his followers

with confidence and commanded their loyalty. He led them from victory to victory. His mobility and brilliant tactics were responsible for his success. His originality of plan, boldness of execution and eye for strategy show that he was a great commander. He stands head and shoulders above his contemporaries in Maharastra. He had the head to plan and the hand to execute.

According to Sardesai, "It is not necessary to write separately about Baji Rao's character and achievements. His deeds speak for him. He stands next only to Shivaji in a military genius. Sahu's discernment in selecting him for the Peshwaship at the early age of nineteen was more than justified. That a boy in his teens assuming the highest position under the Maratha Chhatrapati, should be able within twenty years to extend the Maratha dominion in all directions, north, south, east and west and to overcome great antagonists both at home and abroad, is an achievement which stands to the permanent credit of the Maratha race. Twenty years spent in breathless activity and tireless journeys across the Indian continent from Srirangpattam to Delhi and from Ahmedabad to Hyderabad, wore out the iron constitution of this great man of action. The twenty years of his active career witnessed a complete revolution in the character of the Maratha State and an entire redistribution of political power throughout India. *At his death in 1740 the political centre of gravity shifted from the Court of Delhi to that of Sahu.* The system introduced by Baji Rao's father and executed by him and his son, equally transformed the constitution laid down by Shivaji and dotted the map of India with numerous centres of Maratha power. Thus Baji Rao became the creator of greater Maharastra. (*New History of the Marathas*, Vol. II, p. 182).

Sir Richard Temple has summed up the character of Baji Rao in these words : "Baji Rao was hardly surpassed as a rider and was ever forward in action, eager to expose himself under fire if the affair was arduous. He was endured to fatigue and prided himself in enduring the same hardship as his soldiers and shared their scanty fare. He was moved by ardour for success in national undertakings by a patriotic confidence in the Hindu cause as against its old enemies Mohammedans and its new rival Europeans, then rising above the political horizon. He lived to see the Marathas spread terror over the Indian continent from the Arabian Sea to the Bay of Bengal. He died as he had lived in camp under canvas among his men and he is remembered to this day among the Marathas as the fighting Peshwa and an incarnation of Hindu energy."

According to H.G. Rawlinson, "He was the most remarkable man next to Shivaji himself that his nation had produced. In the words of the historian of the Marathas, his was 'the head to plan and the hand to execute'. Tall and commanding in appearance, he was like all his family, famous for his good looks. He was equally great as a soldier and as a statesman. He understood to perfection the peculiar tactics of the Maratha horse, and his campaigns against the Nizam were masterpieces of strategy. He was a chivalrous in the hour of victory as he was brave in the field. As politician he had the lofty and far-reaching ambitions of his father, and he lived to

see the tiny Maratha race, once, 'a cloud no bigger than a man's hand', spread all over India, from Delhi to Tanjore. He was an eloquent and inspiring orator, and if in private life he had something of the haughty and imperious reserve of the Chitpavan, he was a generous master to those who served him faithfully." (*Cambridge History of India,* Vol. IV, p. 407).

According to Sinha, "Despite his great talents as a soldier and a leader of men, Baji Rao lacked some of the sterling qualities of a statesman. He was domineering in his attitude towards others and overbearing in his manners. He was a soldier to the core, and could never bear opposition. Fortunately, he possessed resourcefulness in plenty, and, therefore, he could bear down all opposition. *It is said that he had the head to plan and the hand to execute.* True, but too much masterfulness cuts at the root of statesmanship. A little elasticity of temper adds salt to statecraft. Hence Baji Rao made many enemies in his lifetime, and left as many behind. He did not know how to conciliate. He knew how to domineer. But domination even when dictated by absolutely selfless or disinterested motives antagonises people more often than we suppose ; and Baji Rao's domination was not disinterested. There is no gainsaying the fact that he was deeply imbued with a love of self-glory though he was also deeply loyal to his chief Sahu and to the cause of his country. He firmly believed that all he did, was for the good of Maharastra and that his lead was not only desirable but indispensable. Naturally he gave offence to many by such an attitude as this. At the beginning of his regime he met with much opposition, and as he succeeded in overcoming it step by step he gained greater and greater self-confidence. His brilliant victories made him a terror to his enemies and a trust-worthy friend to Sahu. His attitude towards the Maratha Confederacy was stern and unrelenting. He wanted that its members should work in harmony, under the guidance of the Peshwas. He would not let them go their own way, and would not brook any other's authority than his own. Thus actuated he incurred the jealousy and hostility of many of the prominent members of the Confederacy. The Pratinidhi, Dabhade, Raghoji Bhonsla, Fatteh Singh Bhonsla, and Angre-- all these nourished a jealousy against Baji Rao because he was both ambitious and domineering. He tried to suppress the same faults in others, and, therefore, incurred the implacable hostility of others. Had he been a little more conciliating and considerate, he would have won over many of those, who became his avowed enemies." (*Rise of the Peshwas,* pp. 202-3).

Balaji Baji Rao (1740-61). After the death of Baji Rao in 1740, his son Balaji Baji Rao became the Peshwa.[1] There was not much opposition from his brothers. It is true that Balaji Baji Rao was not a man of parts himself, but he took advantage of the worth of his own cousin, Sadasiva Bhao. Balaji consulted him in every important affair of the state and did nothing without his advice. It was under the guidance of Sadasiva that the Maratha power reached its climax in 1760.

1. He was also known as Nana Sahib.

Raghoji Bhonsla over-ran the whole of Central India and attacked Bengal many a time. He forced Ali Vardi Khan in 1751 to give Orissa to the Marathas and also give Chauth of the Provinces of Bengal and Bihar to the Marathas. Between 1752 and 1756, the Peshwa secured a promise of the Chauth of the Imperial revenues of Northern India. In 1758, the Marathas occupied the Punjab and the Maratha flag was unfurled over the fort of Attock. According to Elphinstone, "Their frontier extended on the north to the Indus and Himalaya, and on the south nearly in the extremity of the peninsula ; all the territory within those limits which was not their own paid tribute."

Third Battle of Panipat (1761). The conquest and occupation of the Punjab by the Marathas brought them into conflict with Ahmad Shah Abdali who started from Afghanistan to recover the same from the Marathas. The Marathas were also ready to meet him, and thus the famous Battle of Panipat was fought in January 1761. Ahmad Shah Abdali had under his command about 40,000 cavalry and 35,000 infantry. Sadasiva Bhao had under his command 55,000 cavalry, 15,000 infantry and 15,000 Pandaris. Both sides had artillery and other auxiliaries. Sadasiva Bhao was proud of his artillery strength and against the advice of his generals, decided to fight a pitched battle. Abdali was able to cut off the lines of communication of the Marathas. To begin with, the Marathas had the upper hand, but later on the Afghans carried the day. Sadasiva Bhao was killed. Visvas Rao, the son of the Peshwa, was also killed. Malhar Rao Holkar saved his life by running away from the battle field. Mahadji Scindhia was able to save his life but he became lame. There was a terrible loss of life among the Marathas. The losses of the Maratha army were reported to the Peshwa in these words : "Two Pearls have been dissolved, twenty-seven gold mohars have been lost, and of the silver and copper the total cannot be reckoned." The news was received by Balaji Baji Rao when he was coming to Panipat with reinforcements. However, he was too late. He retired broken-hearted to Poona and died in 1761, a few days later.

There is no unanimity of opinion among the historians with regard to the effects of the Battle of Panipat in 1761. According to Sardesai, "Notwithstanding the terrible losses in manpower suffered on that field by the Marathas, the disaster decided nothing. In fact, it pushed forward in the distant sequel two prominent members of the dominant race. Nana Phadnavis and Mahadji Scindhia, both miraculously escaping death on that fatal day, who resuscitated that power to its former glory...The disaster of Panipat was indeed like a natural visitation destroying life, but leading to no decisive political consequences. To maintain that the disaster of Panipat put an end to the dreams of supremacy cherished by the Marathas, is to misunderstand the situation as recorded in contemporary documents."

However, this view is not accepted by other historians. According to Sir Jadunath Sarkar, "A dispassionate survey of Indian history will show how unfounded this (Maratha) chauvinistic claim is. A Maratha army did, no doubt, restore the exiled Mughal emperor

to the capital of his fathers in 1772, but they came then not as king-makers, but as the dominators of the Mughal empire and the real masters of his nominal ministers and generals. That proud position was secured by Mahadji Scindhia only in 1789 and by the British in 1803." There is a lot to be said for this view. The battle of Panipat was a decisive battle. The flower of the Maratha army was cut off.[1] After this battle, the Maratha dream of establishing the empire over the whole of India vanished. The Maratha defeat had a great demoralising effect. The Indians after 1761 felt that they could not depend upon the protection and friendship of the Marathas. On account of the death of most of the Maratha captains and statesmen, the path was left open for the "guilty ambition of Raghunath Dada, the most infamous character in Maratha history. Other losses time could have made good, but this was the greatest mischief done by the debacle at Panipat." The internal dissensions in the Peshwa family were responsible for the weakening of the Maratha power. It is this fact which helped the English to rise to power. To quote Sardesai, "It is significant that while the two combatants, the Marathas and the Mussalmans were locked in deadly combat on the field of ancient Kurukshetra, Clive, the first founder of the British empire in India, was on his way to England to explain the feasibility of his dreams of an Indian empire to the Great Commoner, Lord Chatham, the then Prime Minister. Panipat indirectly ushered in a new participant in the struggle for Indian supremacy. This is indeed the direct outcome of that historical event, which on that account marks a turning point in the history of India."

The Third Battle of Panipat "decided the fate of India." "The Marathas and the Mohammedans weakened each other in that deadly conflict, facilitating the aims of the British for Indian supremacy." Again, "If Plassey had sown the seeds of British supremacy in India, Panipat afforded time for the maturing and striking roots."

According to Elphinstone, "Never was a defeat more complete, and never was there a calamity that diffused so much consternation. Grief and despondency spread over the whole Maratha people ; most had to mourn relations and all felt the destruction of the army as a death-blow to their national greatness. The Peshwa never recovered the shock. He slowly retreated from his frontier towards Poona and died in a temple which he had himself erected near that city. The wreck of the army retired beyond the Narbada, evacuating almost all their acquisitions in Hindustan. Dissensions soon broke out after the death of Balaji and the Government of the Peshwa never recovered its vigour. Most of the Maratha conquests were recovered at a subsequent period ; but it was by independent chiefs, with the aid of European officers and disciplined sepoys. The Confederacy of the Maratha princes dissolved on the cessation of their common danger."

Causes of Maratha Defeat in the Battle of Panipat. The defeat of the Marathas was due to many causes. Ahmad Shah Abdali had

1. According to Sir J.N. Sarkar, "It was, in short, a nation-wide disaster like Flodden Field ; there was not a home in Maharastra that had not to mourn the loss of a member and several houses their very heads. An entire generation of leaders was cut off at one stroke."

a stronger military force than that of the Marathas. Sadasiva Bhao, the commander of the Maratha forces, was no match for Ahmad Shah Abdali who was admittedly the ablest Asiatic general of his time. The latter was a general *par excellence*. After the death of Vishwasrao, he plunged into the battlefield like an ordinary soldier and lost his life. Sadasiva Bhao could not maintain his lines of communication with Delhi. The result was that for two months before the battle, the Maratha army was practically starving. The Marathas fought with hungry bellies in the battlefield. The Marathas had alienated the sympathies of the Rajputs and the Jats and consequently they could not rely upon anybody's support. No wonder, nobody raised his finger in defence of the Marathas. The troops of Ahmad Shah Abdali were better armed than those of the Peshwa. While the Marathas had lances and swords, the Afghans were armed with muskets. In the hand to hand fight, the Maratha artillery could not play its part but the Afghan muskets helped the Afghans to win the battle. While the Afghans possessed discipline of a very high order, the Marathas lacked the same. They were individualists and refractory. They hated discipline with the hatred of 'lesser breeds without the law.' They extolled lawless caprice as liberty and howled against discipline, self-control and organised teamwork of a true army or school as the mark of a 'slave mentality' and the 'destroyer of their clan.' The ill-disciplined Marathas lost the day to the well-organised and well-disciplined Afghan troops.

Sardesai has attributed the Maratha defeat at Panipat to the following causes : Raghunathrao failed to maintain order and discipline among the Maratha agents in the north. Holkar failed to restrain Najib Khan from doing mischief. The Peshwa failed to go to the north and adjust matters when it was yet time to mend them. Bhau Saheb failed to keep women and non-combatants behind at Bharatpur or at Delhi. As soon as the two armies came face to face, Bhau should have at once attacked and maintained communications with his base at Delhi. After the death of Vishvasrao, Bhau Saheb should not have rushed headlong into the fight. Most of the Maratha horses had died on account of starvation in the camp at Panipat and the Marathas had to fight without their horses. They were accustomed to fight only with their horses and not without them and no wonder they failed. Sardesai thinks that it is wrong to say that the Marathas lost the battle of Panipat because they gave up guerilla warfare.

Balaji Bajirao was a man of refined tastes, fond of luxurious life and enjoying splendour and fine arts. During his regime, the social life of Maharashtra underwent great changes in many directions. The camp life of the Marathas lost its original rudeness and simplicity. The Peshwa was an expert in accounts and penmanship and exercised strict control over receipts and expenditure. Public servants were drawn in a special institution of the Secretariat called the Phad. The Peshwa used persuasive methods both in diplomacy and war. There is no substance in the allegation that he favoured the Brahmans. He treated all castes equally. He distributed patronage equally.

According to a contemporary writer, "Balajipant Nana secured the affection of the great Chhatrapati Shahu and promoted in the service of the State all those who had been selected and raised to high positions by his father and uncle. He encouraged talent wherever he detected it and bestowed titles, gifts and honours upon those who exhibited valour and capacity. With a heart pressed towards public welfare, he manned the services with highly qualified individuals. Sardars and people undertook adventures and carried out grand conquests. His sweet, conciliatory and forgiving ways conquered the hearts even of his enemies. His conquests extended from Rameshwar to Indraprasta. Nana Saheb and Bhau Saheb were both incarnations of divine qualities.

According to Kincaid, "the fame of Balaji Peshwa resounded from the Indus river to the southern seas."

According to Sir Richard Temple, "Balaji's character was formed on the same lines as that of his father, and his disposition moved in the same direction. But though a man of skilful address, of influence in counsel and of ability in the field, he was inferior to his father both as soldier and as a politician. He well knew how to utilise the talents of those about him, and some of his greatest successes were won for him by his lieutenants. Still he was ever to the front, organizing or supervising, and he saw the Maratha power attain its zenith. It was under him that the Maratha cavalry fully one hundred thousand strong could truly boast that they had slaked their thirst in every stream that flowed between Cape Comorin and the Himalayas. But he did not take, perhaps he was not capable of taking, any step for rendering this widely extended dominion advantageous to the people. He allowed Maratha rule to continue to be what it had been from the first, more an organization of plunder than a system of administration. Personally he was unscrupulous in this respect, morally inferior to his father and grandfather."

According to Grant Duff, "Balaji Bajirao was one of those princes whose good fortune originating in causes anterior to their time, obtained in consequences of national prosperity, a higher degree of celebrity than they may fully merit. He was a man of considerable political sagacity, of polished manners and of great address. The territory under the immediate care of the Peshwa had been in a progressive state of improvement. Balajirao appointed fixed Mamlatdars or Subedars each of whom had charge of several districts. They had absolute charge of the police, the revenue and the civil and criminal judicature and in most cases had power of life and death. The commencement of a better system of administration particularly for Maharashtra is ascribed to Ramchandra Baba Shenwee and after his death Sadashivrao improved on his suggestions. A Shastree of respectability named Balkrishna Gadgil was appointed head of the Poona Nyayadhisi or court of justice and the police was much invigorated at the capital Under the Government of Balajirao, Panchayats, the ordinary tribunals of civil justice, began to improve. The Maratha dominion attained its greatest extent under Balajirao's administration and most of the principal Brahman families can only date their rise from that period. In short, the condition of the whole

population was in his time improved and the Maratha peasantry, sensible of the comparative amelioration which they began to enjoy, have ever since blessed the days of Nana Saheb Peshwa."

Sardesai points out two serious mistakes committed by Balaji Bajirao. In the first place, Balaji made a mistake in taking British help to crush the Maratha navy headed by Angria, his own navy commander. Secondly, he neglected to support Bhonsla's claims in Bengal when Siraj-ud-Daula was being hard pressed by the British before the battle of Plassey (1757). Bengal had been acquired by Raghunathji and subjected to the annual payment of Chauth in return for which the Marathas were bound to help its Subedar. When the Englishmen turned their arms against Siraj-ud-Daula, it was the duty of the Peshwa to help him. In 1776, the position of the Peshwa was secure. At that time, he was the most powerful ruler in India. A move on his part against the British, both in the Karnatak and in Bengal, would have at once checked their advance. Unfortunately, the Peshwa paid undue attention to the politics of Delhi and contracted unnecessary enmity with Ahmad Shah Abdali and brought about the disaster of Panipat in 1761. He had no business to go beyond the Sutlej into the Punjab. It appears that the Peshwa did not understand the real nature of the British game and side-tracked his attention to the Punjab. He was found wanting in sagacity and length of vision at a crucial moment. If he had understood all-India politics, he would have acted otherwise. The result of his folly was that the Britishers were able to establish themselves in Bengal, Oudh and the Deccan.

Madhavrao I (1761-72)

Peshwa Balajirao left behind two sons, Madhavrao and Narayanrao, and one brother Raghunathrao. Madhavrao was 16 years old at the time of the death of his father and became the Peshwa. His uncle Raghunathrao had hoped to conduct the affairs of the State but that was not tolerated by Madhavrao who is known as the greatest of the Peshwas. Although young, he possessed a mature judgment, a high spirit and the talents of both a soldier and a statesman. To begin with, there was friction between Madhavrao and Raghunathrao which later on developed into an open rupture. Raghunathrao demanded half the share of the Maratha State. Then started a civil war which ended in 1768 in the victory of Madhavrao. Raghunathrao was captured and was confined in his palace at Poona.

The enemies of the Marathas tried to take advantage of the Maratha defeat in Panipat in 1761 and the civil war in the country. Nizam Ali marched with all speed towards Poona but after a struggle for two years he was defeated at Raksasbhuvan and was forced to surrender.

On account of Maratha failure at Panipat, Hydar Ali of Mysore tried to extend his influence in the Karnatak and thereby destroyed all traces of Maratha influence in that region. The result was that Madhavrao had to spend the best part of his time and resources in capturing his former territories and exacting complete submission from Hydar Ali.

The Peshwa also subdued the Bhonslas of Nagpur, and forced them to accept him as the Peshwa and the head of the Maratha State. They were also forced to support him against all rivals and enemies. The treaty of Kankapur of 1769 with the Bhonslas is known as a master-stroke of Madhavrao's valour and capacity in organising the united power of the Maratha State.

The Peshwa also sent a strong expedition under two Maratha and Brahman commanders to restore the Maratha prestige and claims at the court of Delhi which had received a set-back after the battle of Panipat. Mahadji Scindhia was one of the four leaders who were sent to Delhi. They won remarkable success in that undertaking. They restored the Mughal emperor to the Delhi throne. They humbled the Rohillas and carried out all the commitments usually understood by the terms Hindu-pad-padshahi.

Madhavrao improved the moral tone of the Maratha administration. Corruption was put down with a heavy hand. The revenue system was reformed in the interests of all the people. The judiciary began to function efficiently under the famous Ram Shastri. The complaints of the public were welcomed and attended to. The wrong-doers were punished. Many vexatious taxes were removed. Definite rules and conditions of service were framed for the jagirdars and their military equipment. The system of Veth or exaction of forced labour from the lower classes was abolished. Every kind of service had to be paid for in cash. Spies were appointed to gather information from all over the country. A new generation of honest and efficient officials, clerks, accountants, supervisors, revenue collectors, and military supplies came into existence. Commanders had to give up their lethargy and learn obedience. A special branch for the manufacture of fire-arms and ammunition was set up and it worked under the personal supervision of the Peshwa himself. Madhavrao was not only a great administrator but also a great commander of large armies. He often showed exemplary valour and skill in strategy. He was a benevolent despot. He devoted his whole life to the service of the people.

A mere reference to a large number of great personalities shows that the Peshwa had brought into existence a large number of honest officers. Some of them were Ram Shastri, Govind Shivram, Tatya, Naro Appaji, Mahadji Ballal Guruji, Trimbakrao Pethe, Gopalrao, Patwardhan, Ramchandra Ganesh, Visaji Krishna, Nana Phadnavis, Moroba and Haripant Phadke.

According to Sir Richard Temple, "In some of the characters just depicted there has been found virtue of the secondary type, energy, courage, enthusiasm, patriotism and the like ; but in none of them is to be seen virtue of the purer, nobler, loftier quality. In Madhavrao there is virtue of the best stamp. In trying moments he evinced not only presence of mind but also a proud consciousness that by him an example should be set to all around. He chose ministers with discrimination, some of whom justified his choice by their subsequent achievements. He enforced strictness in the service of the State and strove to procure honesty so far as that was

procurable in a corrupt age. If an instance occurred of bad faith in high places, he would denounce it with a frankness surprising to those who lived in evil times. Though obliged to keep the uncle out of positions which afforded opportunities of doing harm, yet he showed the utmost consideration towards his relative. When two of his officers during a siege wanted to fight a duel over a quarrel, he told them, instead, to scale a deadly breach, promising to decree in favour of the disputant who should first plant the national flag upon the rampart. His care extended to the fiscal, the judicial, and the general departments. All men in his day knew that the head of the State was personally master of the work, was the friend of the oppressed and the foe of the oppressor, and was choosing agents who would carry out his beneficent orders. His thoughtfulness and considerateness were untiring and were often shown in a signal or graceful manner. For instance, he conferred benefits upon the descendants of the cavalry leader Santaji Ghorpade, who had been assassinated by Shivaji's son and successor, in order that such tardy justice as might be possible after the lapse of a generation, should be done. All the while, he was engaged in war and politics. He had to hold his own against the Nizam of the Deccan, to drive back Hydar Ali of Mysore, to retrieve that disaster at Panipat which had grieved his father to death. While greatly superior to his predecessors as a civil ruler, he was not inferior to them as a war-like commander. His lieutenants were just retrieving the Panipat disaster when his own health, always delicate, gave way......

"That Madhavrao, a Hindu prince, should have done so much in so brief a life as his, under such disadvantages and despite such temptations that, before being cut off, in the heyday of his career, he should have evinced such capacity as this, not only in affairs susceptible of management by youthful genius, but also in matters ordinarily demanding the experience of ripe years, is truly astonishing. Indeed, he is forever to be revered as the model prince, 'the flos regum' and as *one of the finest characters that the Hindu nationality has ever produced.*"

According to Kincaid, "Threatened both by domestic and foreign enemies, Madhavrao triumphed signally over all. Yet his triumph had brought him no rest. Victorious over his foes he had spent his years in tireless labour to better the condition of his people. Every department was quickened by his supervision, his industry and his example. His secret intelligence was faultless ; and no matter how remote the officer guilty of acts of tyranny, he rarely escaped punishment. The Peshwa's armies went well-equipped on service, for the entire military organization was under his direct control. Quick to anger, he was no less quick to forgive. And the only fault that the harshest critic can find in this admirable ruler is, that he shortened a life precious to his people by his arduous and unceasing toil."

According to Grant Duff, "Although the military talents of Madhavrao were very considerable, his character as a sovereign is entitled to far higher praise and to much greater respect than that of any of his predecessors. He is deservedly celebrated for his firm support of the weak against the oppressive, of the poor against the

rich, and, as far as the constitution of society admitted, for his equity to all."

Narayanrao (1772)

When Madhavrao died of consumption in 1772, he was succeeded by his younger brother Narayanrao. His uncle Raghunath Rao, who was still in confinement, tried to escape. The attempt having failed, he was put under severer vigilance. A plot was prepared to make Raghunath Rao the Peshwa and put Narayanrao in confinement. However, Narayanrao was cut to pieces in the presence of Raghunath Rao and the later became the Peshwa. There was a lot of resentment against the cruel murder and the enquiry which was held by Ram Shastri showed that Raghunath Rao was the prime author of the murder. The result was that the responsible ministers and leaders of Maharashtra formed a Council of State known as the *Bara-Bhai* for the conduct of the affairs. In 1774, a posthumous son was born to the widow of Narayanrao and he was named Madhavrao Narayan.

Madhavrao Narayan (1774-95)

Madhavrao Narayan who is also known as Sawai Madhavrao II was declared the Peshwa and Raghunath Rao had to run away. The new Peshwa reigned for 21 years and died in 1795.

Although Raghunath Rao had to go into exile, he did not keep quiet. He sought the help of the English East India Company and the result was the Maratha War I. The war dragged on for many years and was ended by the treaty of Salbai in 1782. As a result of that treaty, Raghunath Rao had to give up all claims to the Peshwaship but he was given a pension. During the Maratha War I, Mahadji Scindhia and Nana Phadnavis distinguished themselves. In 1795, the Nizam was defeted by the Marathas.

Bajirao II (1796-1818)

When Madhavrao II died in 1795, there was a lot of confusion in Maratha politics. There were many intrigues for the appointment of a successor. To begin with, Nana Phadnavis was in favour of making Chimnaji Appa as the Peshwa. However, later on he changed his front and began to support Bajirao. Ultimately in 1796, Bajirao II became the Peshwa. The new Peshwa was the son of Raghunath Rao.

Bajirao was a worthless man. He was thoroughly unscrupulous. He had no training or competence for the high office to which he was called. He believed in intrigues. Nana Phadnavis who had helped him to come to power was put in jail but later on was restored to his previous position. However, the old man died in 1800.

It was during his tenure of office that the Maratha War II was fought in the time of Lord Wellesley. In 1802, Bajirao II entered into treaty of Bassein with the English East India Company. The net result of that was that the Peshwa came under the control of the Company. It was later on that he realised that the control exercised by the English Company was too much for him. The result was that he began to make efforts to release himself from the

British control. This led to his participation in Maratha War III in the time of Lord Hastings. Peshwa was defeated by the East India Company. In 1818 he surrendered. The Peshwaship was abolished by the English Company. However, Bajirao was given a pension and he spent the rest of his days in Uttar Pradesh in religious pursuits. He died on 28th January 1851.

Mahadji Scindhia (1727-1794)

It seems desirable to refer to two great personalities of this period : Mahadji Scindhia and Nana Phadnavis. Both of them were contemporaries and both of them played an important part during the Maratha War I and came into prominence in Maratha politics. Nana Phadnavis controlled the Maratha affairs at Poona and Mahadji busied himself in the north. Both of them served the Maratha State faithfully. It is pointed out by Sardesai that if Mahadji and Nana Phadnavis had not acted in concert and brought all their resources to bear on the First Maratha War, there would have been an end of the Maratha power.



Mahadji Scindhia

Mahadji and Nana Phadnavis differed from each other in their physical features as in their mental cast. "Nana, a Brahman, tall and thin, brownish in complexion with a long oval face, marked with large piercing eyes and a long nose, the other a Kshatriya, of middle stature, dark, thickset, stout and athletic, a typical Maratha soldier of his time. While Nana was by nature strict and serious, regular and hard-working, abstemious in words and action, difficult of approach and never given to sport, mirth or company, hardly ever seen to laugh and of an extremely delicate and thin constitution, Mahadji was, on the other hand, of a jovial and merry temperament, ever surrounded by crowd of people, talking, joking, laughing and enjoying company, taking counsel with all, but always so cautious as to set people entirely on a wrong scent, never to let others fathom his real intentions or plans ; in fact, an exact antithesis of Nana."

The life of Mahadji was one long period of strenuous activity. His life can be divided into 4 parts. During the first part up to 1761, he was an obscure figure over-shadowed by his brilliant brothers from 1761-1772. His life was one of apprenticeship in which he acquired the supreme fitness which later on helped him to co-ope-

rate with Nana Phadnavis to defeat the English during the Maratha War I. During the third part, he gained valuable experience of war and diplomacy on his own initiative which he put it in actual test later on. During the 4th period, he created the kingdom which he left for his children.

According to Keene, "Mahadji was easily provoked and not easily appeased. If he seldom forgave an injury, he never forgot the benefit. If he was severe in punishment, when punishment seemed requisite, he was not implacable or given to cause needless pain ; while in conferring rewards for service rendered, his gratitude admitted neither stint nor oblivion. Consequently he was served with fidelity and affection. It is impossible to read the memoirs of De Boigne without seeing how great a part of Scindhia's success was due to the admiration inspired by his moral character, and the confidence with which his subordinates trusted to his consistency of conduct, good faith and tenacity of purpose. He was good-humoured, if not exactly good tempered, and his countenance, in spite of an usually dark complexion, was full of amiability and intelligence. His correct expression was happily caught by a young Italian artist (Wales) who painted his portrait at Poona shortly before his death. His personal habits were simple and abstemious. Better educated than was usual among men of his class, he was not only able to read and write but was a good accountant and had a colloquial knowledge of Persian and Urdu. He was versed in business and without caring for the details either of war or civil administration, invariably chose good agents, whom he trusted thoroughly, and who repaid him for his confidence. The officers whom he employed at Ujjain and Gwalior were not less successful in fighting his battles and managing his affairs. He was an Indian ruler of successful capacity in times of exceptional difficulty. He was coldly regarded if not positively disliked for his abandonment of old Maratha warfare and favouring Muslims, such as his chief adviser Ranakhan and his religious guide Mansur Shah."

The private life of Mahadji was pure and free from blemish. He was free from caste and religious bias. He was equally respected by the Muslims and the Hindus. He employed Brahmans, the Prabhus, Marathas and Maharas. The Saraswat Brahmans attained special distinction in his service as soldiers and diplomats. Mahadji was always careful and faithful to the Peshwa family. He never tried to assert his independence. It was unfortunate that Nana Phadnavis was jealous of Mahadji and always tried to keep him away from Poona.

Mahadji did not manage his financial affairs properly. He borrowed a large amount of money from all sources. A lot of money was pocketed by unscrupulous middlemen. There was confusion and misappropriation. Money was poured into useless channels. Lands were deserted and cultivation was stopped at many places. Robberies became frequent. Life became insecure. Mahadji agreed to pay the expenses of the Mughal empire and his armies but he had no money to do so.

According to Malleson, "By the death of Mahadji Scindhia, the Marathas lost their ablest warrior, and their most foreseeing statesman. In his life he had two main objects, the one to found a kingdom, the other to prepare for the contest for empire with the English. In both, it may be said he succeeded. The kingdom he founded still lives ; and if the army which he formed was annihilated by Lake and Wellesley eight years after, it was because of the loss of his guiding hand. Had he lived, Mahadji would have brought under one standard the horsemen and the French contingent of Tipu, the powerful artillery of the Nizam, the whole force of the Rajputs and every spear which Maratha influence could have collected from Poona, from Indore, from Baroda and from Nagpur. Even if the final result might not have been attained, the great problem of contest between a united India and the English would have been fairly fought out. As it was, his death settled it. Thenceforth the sinister result was only a question of time."

According to J.N. Sarkar, "Mahadji Scindhia, a heroic personality, dominates the North Indian history of his time like a colossus. His resources were defective, his instruments and allies often played him false ; many an anxious crisis he had to face. Even sympathetic Residents like James Anderson and William Palmer predicted his sure downfall. And yet in the end he triumphed over all. We see the intense religious feeling, modern nationalists may call it superstition, which formed the essence of his being. We see the deep family affection, the habitual meekness of spirit, the respect for venerable persons, which this strong and busy man of action displayed even at the height of his earthly glory.

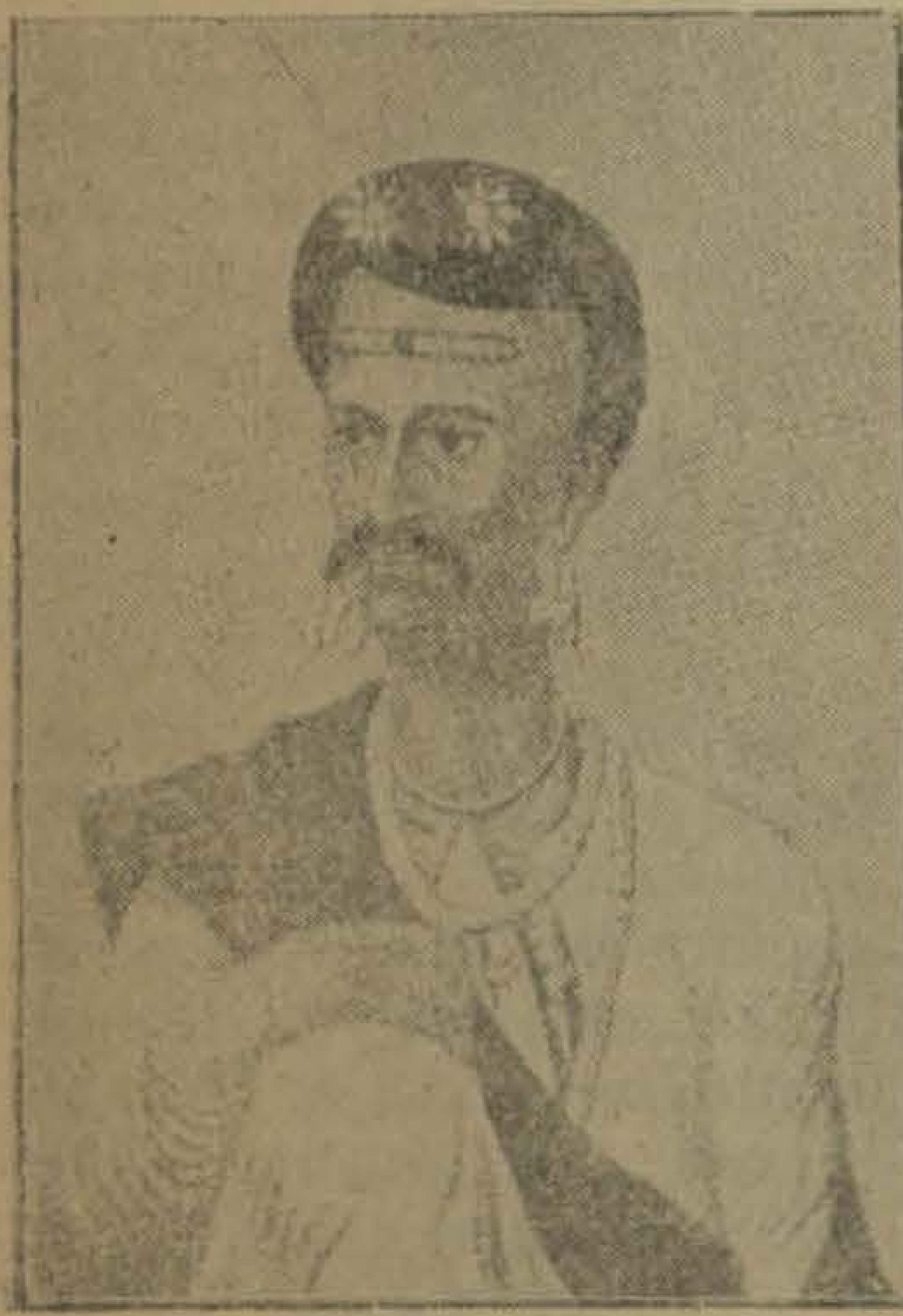
"In establishing Maratha control over the Imperial Government of Delhi and wiping off the disgrace of Panipat, Mahadji Scindhia had to labour alone, nay in the teeth of pinpricks and covert opposition by the Court of Poona. The supreme glory of the Regency of the Empire of Delhi that he gained, with the superlative titles of Wakil-i-Mutlak Bakhshi-ul-Mamalik, Amir-ul-Umra, Alija, Infant of the Throne, was to him but a crown of thorns : the Muslim peers and former captains of the decadent Delhi State and their North Indian Hindu underlings, the Rajput vassals and even some British Residents, exulted at each disaster, each rebuff that he met with, and they counted the days of his sure extinction. And the Poona Government denied to him money and armed help in his sorest need and even insulted him in public. The Khilats and costly presents that he had won from the Emperor for the Peshwa (in December 1784), were refused and left to rot at Ujjain for years together, as a brand of public humiliation put by his master on the greatest and most successful Maratha general then living. He was called in the Poona Minister's letters, a cheat, a disloyal servant, a selfish upstart bent on aggrandising himself by robbing his holy Brahman Shrimant of the fabulous wealth of Delhi.

"All this Mahadji bore with infinite patience, just as he broke through the successive nets of intrigue woven round him by his foreign enemies and nominal allies. He triumphed in the end, but that triumph was dearly purchased at the expense of years of frust-

ration, of swaying fortune, and of immense personal suffering. *He towers over Maratha history in solitary grandeur, a ruler of India without an ally, without a party.* He reared a devoted band of his own captains, and he triumphed in the end no doubt and confounded his enemies and candid friends, but after what a tremendous loss of valuable time and avoidable waste of resources. If Nana Phadnavis had backed Mahadji at the outset, then the unchallengeable position which the great Scindhia gained for the Maratha race in January 1789, would have been achieved fully four years earlier ; and if such an early consummation had, as its natural effect, prolonged Mahadji's life by sparing the needless agonies of the intervening four years' time of struggle and reverses, then the whole course of Maratha history might have become different."

Nana Phadnavis (1742-1800)

Nana Phadnavis was born in 1742 and he died at the age of 58. He was thin in body and half fair in complexion. He was always serious and was hardly seen laughing. He was very studious and regular in his habits. He worked very hard at his desk. He attended to all the details of the administration. He did not like the open methods of Mahadji and always worked in secret. He was usually reasonable and fair in his dealings. He was afraid to commit treachery or wrong. He was strict in punctually carrying on the work. However, he did not possess self-sufficiency of Mahadji. He took counsel with all separately, but acted according to his own considered judgment. He was not at all loved as he was a stern taskmaster. He was often in danger of assassination. On about 20 occasions, he had a miraculous escape from attempts on his life.



Nana Phadnavis

Nana lacked military leadership and that was a great disadvantage in the rough times in which he lived.

Nana did not possess a conciliatory spirit. He gradually removed all the members, one by one, of the Bara-Bhai Council and concentrated all power in his own hands. If instead of that, Nana had shared powers with others, there would have been better prospects for the future of the Marathas. It has been suggested that if Nana Phadnavis had taken into confidence all the Maratha chiefs and pooled together all the resources of the Marathas, the Marathas would not have fallen as they did under Bajirao II.

Nana had too much love for power. It is suggested that if he had retired from politics in 1795, he would have rendered a great service to the Maratha cause.

Another criticism of Nana Phadnavis is that he loved money too much. It is estimated that his private property amounted to several lakhs. It was with a view to safeguarding his own money that he opposed to the nomination of Bajirao Peshwa at the beginning.

According to Sardesai, Nana would have acquired a much higher place in history if he had subordinated his love of power and monetary interest to the service of the nation.

Reference may be made to some of the tributes paid to Nana after his death. According to Capt. Browning, "Nana is gone and with him the Brahman raj. Poona has fallen." According to Palmer, "With Nana has departed all the wisdom and moderation of the Maratha Government." According to Sir Richard Temple, "Maratha administration lost all vestige of honesty and efficiency by the death of its great Minister." According to Grant Duff, "Nana Phadnavis was certainly a great statesman. His principal defects originated in the want of personal courage and in an ambition not always restrained by principles. His life was entirely public. In private he was a man of strict veracity, humane, frugal and charitable. His whole time was regulated with the strictest order and the business personally transacted by him almost exceeds credibility. *Nana doubtless shines out as the last genius produced by the Maratha nation.*"

Maratha Administration under Peshwas : The Maratha administrative system under the Peshwas was a compound of the principles laid down in the books of Hindu polity, arrangements made by Shivaji and his successors and the modifications introduced by the Peshwas themselves.

The Peshwas rose to power as the power and prestige of Raja of Satara declined. From 1714 onwards, the office of the Peshwa became hereditary in the family of Balaji Vishwanath. To begin with, the Peshwa was one of the Astha Pradhan of Shivaji and that was not a hereditary appointment. Gradually, the position of the Peshwa became supreme. The genius of Balaji Vishwanath made the office of the Peshwa both supreme and hereditary.

Although the Peshwa showed to the Raja of Satara on public occasions the attention due to a ruler, they virtually controlled the whole administration and even usurped the power of the Raja as the religious head of the State. However, these powers were not granted to him merely because he was a Brahman. The high position of Peshwa was recognised by the Maratha feudal nobility. He divided the revenues of each district among several Maratha chiefs. This system of sub-division of revenues gave rise to complications in accounts and the Peshwa and his Brahman Secretariat took advantage of the same. Perpetual feuds and jealousies were also created among the Maratha chiefs.

Hazur Daphtar. The centre of the Maratha administration was the Peshwa Secretariat at Poona and it was known as the Hazur Daphtar. It was divided into many departments. It dealt with the revenues and expenditure of all the districts, the accounts submitted by the village and district officials, the pay and rights of all grades of public servants and the budgets of civil, military and religious

servants. The daily register recorded all revenue income, all grants and payments and all payments received from foreign territory. These records became valueless in the time of Bajirao II on account of the chaotic state of affairs.

Village. The unit of Peshwa's administrative system was the self-contained and self-supporting village community. At the head of each village was a headman called Patel. He was not paid by the Government. His post was hereditary and that was the subject of sale and purchase. The Patel was helped by Kulkarni or village clerk and record-keeper who was always a Brahman. He was second in importance to the Patel and was paid in the same way as the Patel. The communal duties and wants of the village were performed and supplied by *Bara-Baluth* or 12 hereditary village servants who received a share of the crops and other requisites. They were also helped by other 12 village servants called *Bara-Baluth*. The carpenters, blacksmiths and other village mechanics and artisans gave *Begar* or forced labour.

Mamlatdar was in charge of a division called Sarkar, Suba or Prant. He was helped by Kama Vistar who was in charge of a similar area called Pargana. The Kama Vistar was subordinate to the Peshwa's Secretariat except in the case of Khandesh, Gujarat and Karnatak. Originally. Mamlatdar and Kama Vistar were appointed for short terms, but they got renewals. They were responsible for every branch of district administration including agriculture, industries, civil and criminal justice, control of police and investigation of social and religious questions. They received the State-revenues and fixed the revenues of each village after consultation with the Patel. They heard and decided the complaints of village officials. Under the existing system, there were many opportunities for bad administration. In theory, the accounts of Mamlatdars were not passed by the Secretariat at Poona until they tallied with the accounts of the local officers. In all disputes regarding land, the Deshmukh was expected to produce ancient records with the history of all Inams and grants and the register of transfers of property which he maintained. The registers of the Deshmukh were irregularly maintained and were often incomplete. These registers were checked by the Mamlatdars. There were in all 9 officers in each district.

In order to prevent wholesale misappropriation of public money, the Maratha Government was accustomed to demand from the Mamlatdar and other officials the payment of a heavy sum (Rasad) on their first appointment to a district. The Hazur Daphtar prepared for them estimates of probable income and expenditure of the district. In the time of Bajirao II, the posts of the Mamlatdars and others were auctioned. The clerks and menials were paid for 10 or 11 months in a year because it was thought that every servant got so much leave in a year.

Judicial System. The Judicial system was very imperfect. There were no rules of procedure and no codified law. In several cases, the main object was to bring about an amicable settlement between the parties. Arbitration was considered to be the first step in the disposal of a suit, If arbitration failed, the case was transferred

for decision to a Panchayat appointed by the Patel in the village and by the leading merchants in urban areas. An appeal lay from the decision of the Panchayat to the Mamlatdar who usually upheld the verdict of the Panchayat. In spite of its primitive character, the Panchayat was a popular institution. If the Panchayat did not decide the case properly, a re-trial took place. The peasant obtained fair justice from the village Panchayat. However, there was no justice if the big guns were involved in a case.

In criminal cases, the procedure of the other courts was repeated. However, the Panchayat was less frequently appointed. The chief authorities were the Patel in the village, the Mamlatdar in the district, and Sarsubedar in the province and the Peshwa and the Nyayadhish at the headquarters. They administered justice according to the popular custom tempered by the notions of the presiding officers. No regular form of trial of the accused persons was prescribed. Flogging was frequently inflicted with the object of extorting confession. Torture was also allowed. After 1761, capital punishment and mutilation of limbs were inflicted upon persons convicted of dacoity and theft, murder or treason. The usual methods of execution were hanging, cutting to pieces with a sword or crushing the skull. In the case of Brahmans, they were starved to death or poisoned. The ruler alone had the power of life and death. False evidence figured in criminal inquiries and the only notice taken of false evidence was a mild reproof from the Nyayadhish. The members of the family were taken away from the convict so that they might not be spoiled. Prisoners were kept in hill-forts and gold often unlocked their gates.

Police System. The method employed was one of setting a thief to catch a thief. Every village kept its own watchmen who belonged to the degraded Mahar tribe under the direct control of the Patel. Watchmen were helped by gangs of hereditary criminal tribesmen. Each group was under the control of its own Nayak or headman who was answerable to the Patel for theft or robbery committed in the village. The system failed to prevent crimes. Umeji Nayak, the famous Ramosi outlaw, committed many crimes against persons and property when he was actually in receipt of a salary from the Bombay Government for performing police duties in the Poona district. His methods showed that there was nothing to prevent the village police from committing crimes and settling them upon the innocent. Even the petty chiefs and the estate-holders plundered the villages of their rivals. Whenever the crime was on the increase, the Government strengthened the village police with irregular infantry from the neighbouring hill forts and levied a house-tax on the residents of the disturbed area. The duty of the irregular infantry was to support the village police under the Patel and to oppose violence by force of arms. It did not include the work of detection of crime.

In the time of Bajirao II. the district police system was changed by the appointment of additional police officials whose duty was to discover and seize offenders. In the case of urban areas, magisterial and police powers were given to the Kotwal. The latter

also regulated prices, took a census of the inhabitants, investigated and decided disputes regarding immovable property, supplied labour to Government, levied fees from the professional duties given to the Nagaraka or police superintendent.

Army. The Maratha army consisted of the mercenary forces of the feudal chiefs and regiments under the control of the Peshwa. In the time of Shivaji they were national in character, but later on they assumed a professional character. The Marathas were sent to the cavalry and their knowledge of horse-breeding proved very useful. The infantry was mostly drawn from Northern India. The artillery was manned and commanded by the Portuguese and Indian Christians. The military services of the Marathas were secured by the grant of fiefs. As the fiefs of the rival chiefs were in the same area, there was a lot of internal strife and dissensions and that stood in the way of the solidarity of the State.

The Maratha Government did practically nothing for the economic improvement and intellectual advancement of the people. A large proportion of the revenues of the Government came from robbing the territories of the neighbours. The Marathas did not construct works of public utility. The only thing they did in the field of education was to give money to the deserving Pandits. The Marathas maintained "Jasuds" (spies) and "Harkaras" (messengers) for political and military performance and not for the convenience of the public.

Sources of Revenue. The most important source of revenue was in the form of Chauth and Sardeshmukhi. The Chauth was divided into (1) 25 per cent for the ruler, (2) 66 per cent for Maratha Sardars and chiefs for the maintenance of troops, (3) 6 per cent for the Pant Sachiv, and (4) 3 per cent for other persons according to the pleasure of the ruler. Such a division of Chauth continued under the Peshwas.

Another important source of revenue was agricultural income from the village belonging to original settlers who acquired the forests and who could not be deprived of their lands. The assessment was based on a careful survey. Land was divided into three classes, *viz.*, according to the character of the crop, facilities for irrigation and productivity of land. The Patel was the only official authority who could speak for the rights of the villagers against the higher authorities. The cultivator had practically no hearing.

Dr. S. N. Sen has described the system of revenue collection in these words : "When the time for collection came, the Mahar called the rate-payers to the village Chawdi where the Patel held his office. The Kulkarni of the village, accounts-keeper, was present there with his records to assist the Patel in his work, and so were Potdars. The latter assayed and stamped the money when paid, for which the rent-payer got a receipt from the Kulkarni. When the collection was over, the money was sent to the Kamavisdar with a letter under the charge of the Chaugula, and a similar letter, often a duplicate copy, was sent to the Deshmukh, under the charge of the Mahar. The Chaugula got a receipt from the Mamlatdar for the sum paid, which was carefully preserved in the Kulkarni's bundle of village

account. Sometimes a Shibandi was sent by the officer in charge of the district or Tarf to help the Patel in his work of collection. The revenue was generally paid in four instalments and sometimes in three."

Another source of revenue was the miscellaneous taxes such as a tax of one year's rent in 10 years on the lands held by the Deshmukh and Deshpande, a tax on land kept for the village Mahars, a tax on lands irrigated by wells, a house-tax levied from everyone except Brahmans and village officers, an annual fee for the testing of weights and measures, a tax on the re-marriage of widows, a tax on sheep and she-buffaloes, a pasturate fee, a tax on melon cultivation in river beds, succession duty, a duty on the sale of houses, etc. When the Maratha Government was in financial difficulty, it did not mind levying on all land-holders *Kurja-Patti* or *Tasti-Patti* equal to one year's income of the tax-payer.

Customs duties also brought some revenue. They were in the form of taxes on trades and professions, taxes on projects and sale and octroi and ferry charges Brahmans were exempted from duty on things imported for their own use. They were also exempted from house tax and other small taxes.

Another source of income was from the forests. Permits were sold for cutting timber. Some money was also got from the sale of grass, bamboos, fuel, honey and pastures.

The Government also got some money by giving licences to approved goldsmiths for private mints. The goldsmiths undertook to maintain a certain standard. In spite of this, the goldsmiths turned out spurious and faulty coins. Such a thing happened in 1760 in a certain division. On such an occasion, all private mints were closed and central mint was established which charged a fee of 7 coins for every licence.

The administration of justice also brought some money, although the income was not stable. A fee of 25% was charged on money bonds. Succession fee was charged and large sums of money were taken away from persons suspected or found guilty of adultery.

No definite estimate of the total revenues of the Maratha State can be given. The revenue depended upon the robbing expeditions and could not be certain. On occount of the unsettled condition of the country, the Maratha Government raised large sums of money on the security of its revenue. The people were impoverished on account of too much looting. The constitution of the Maratha Government and army was intended more to destroy than to create an Empire.

Causes of the Downfall of the Marathas. It goes without saying that after the disintegration and fall of the Mughal Empire, power fell into the hands of the Marathas. Their empire was vast. Their armies were big. The Marathas themselves were great warriors and in fearlessness and bravery they were second to none in the world. However, in spite of these qualities, the Marathas failed to hold their own against the British. This was due to many causes.

(1) It is true that the Maratha Empire was a vast one, but it was not well-knit. It was not a unitary State and all power was not

in the hands of the Pêshwa. The Maratha Empire was a confederacy. Power was shared by many Maratha chiefs and most important of them were Holkar, Scindhia, Bhonsla and Gaikwar. It is true that nominally the Peshwa was the head of the Maratha confederacy but, as a matter of fact, he had no substantial control over the various Maratha chiefs. Every one of them was independent in his own territory and did whatever he pleased. They did not hesitate to intrigue against one another. It was not a happy phenomenon to see Holkar, Scindhia or Bhonsla helping another power against one another. Evidently, there was no discipline and solidarity among the Marathas. They were not brought together even by a national emergency. They failed to help one another against their common enemies and the result was that all of them were defeated one by one by the English East India Company.

(2) The Marathas did not bother about finance. Such a vital department was absolutely ignored. The result was that the Marathas were always in need of money. This need they tried to satisfy by plundering the country. Plundering raids by the Maratha chiefs in search of money were common. But such a system can hardly bring any credit to the Government. No country can grow under such circumstances. Even the people cannot have any devotion or loyalty to such a State. The Maratha empire was bound to fall. The Marathas could plunder others when their own territory was small, but when their own empire began to grow, they could not adopt the old device of plundering. This resulted in shortage of finance. The Marathas did not set up an efficient system of administration. Nothing was done to safeguard the interests of the people. Their rule was positively oppressive.

(3) Another cause of Maratha failure was that they gave up their old method of fighting. The Marathas were experts in guerilla warfare. They were not accustomed to pitched battles. However, guerilla tactics were possible only so long as the Marathas had not set up an Empire of their own. When they established their own Empire, it became absolutely necessary for them to protect the people from foreign invasion. Consequently, by the force of circumstances, the Marathas were forced to give up their old method of fighting and that brought about their ruin.

(4) The Marathas were poor students of geography. They did not bother to understand the geography of the country which was indispensable for successful military operations. The result was that their lack of knowledge of the geography of the country landed them into difficulties If the Maratha armies were moving to a destination, they might not be knowing that they would have to cross a big river or mountain on the way. Such a handicap was suicidal for successful military operations. If such was the condition of the Marathas, the Englishmen knew all about the Maratha territory. This knowledge helped the Englishmen in their military operations.

(5) The English Company had enormous resources at its disposal and the Marathas were no match for them. The English were also the masters of diplomacy and the Marathas were merely children before them in that difficult art.

(6) Another cause of Maratha failure was the neglect of the study of sciences and of military training and organization. Those who conducted the affairs of the Maratha State did not take note of what their European neighbours were doing in India. When Bajirao and his brother Chimnaji conquered the Island of Bassein from the Portuguese after a heroic fight they failed to take the logical step of founding a naval arsenal and ship-building base as a measure of self-defence. The Portuguese had docks and foundries for making guns and experts to work them on scientific lines. These could have been continued under Maratha management at Bassein. If that had been done, the Peshwas would not have been helpless in naval matters. They would not have been forced to apply to Europeans for the supply of shot, cannon, powder, ships, etc. The Peshwas and their advisers were intelligent and it is a pity that they utterly neglected the study and development of sciences which were absolutely necessary for the preservation of their organization, artillery and trained infantry and no wonder the Marathas ran away before the European guns. It is pointed out that no Maratha leader had the courage to face the British gunmen even if they were very few in number. Sardesai points out that if the Maratha Government had possessed the necessary foresight and perseverance to organize their fighting on the European lines, they would have been able to resist the British advance successfully.

(7) Another cause of Maratha failure was the lack of organization or system in whatever they did. There was no unity of command, no distribution of work and power, no clear-cut assignment of duties, no method, no system and no rule. Each Maratha chief pulled in his own direction. There was want of attention to details and pre-arrangement. It is true that the Marathas saw the necessity of uniting for a common purpose but no one came forward to do the needful in the matter. They never joined together against a common enemy. The result was that they were individually defeated.

(8) It is pointed out that the downfall of the Marathas synchronised with the end of the 18th and the beginning of the 19th century. At that time, the position of the Marathas was the weakest and that of the Englishmen was the strongest. Between 1794 and 1800, most of the experienced and able persons in the Maratha kingdom were removed by the cruel hand of death. The old Ram Shastri had already died in November, 1789. Mahadji Scindhia died in February 1794. Hari Pant Phadka died in June 1794. Ahalya Bai Holkar died in August 1795. Peshwa Mahadev Rao lost his life in October 1795 by an accidental fall from the balcony of his palace. Tukoji Holkar died in August 1797. Parshuram Bhau Patwardhan died on 18th September 1799. Nana Phadnavis died on 13th March 1800. Before the Marathas were able to put their house in order, they were called upon to oppose the formidable British power, strong in science, constitution, unity and naval supremacy. The supreme power at this time fell into the hands of Bajirao II and Daulatrao Scindhia. Their misdeeds brought the Poona court and society to such a moral degradation that no one's life, liberty or honour was safe. People even in the distant parts of the country had to suffer terrible misery through misrule, oppression, plunder and

devastation. The Sardars and Jagirdars, particularly of the southern Maratha country, were so completely alienated that they rushed for escape into the arms of the English. Bajirao was unscrupulous and incapable. It is true that Yashwantrao Holkar tried his best to remove Bajirao and put in his place his brother Amritrao. If he had succeeded in his objective, there would have been no chance for the British to establish their supremacy. However, the British did not allow that to be done and the result was that Bajirao II ruined everything. Bajirao II did not trust those who had been brought up under the old regime and selected his advisers from menials, selfish priests or intriguing up-starts like Arajerao Ghatge. Persons like Bajirao II surrounded by men of small minds and poor character could not hold their own against eminent personalities on the English side. Lord Wellesley and his two brothers Arthur Wellesley and Henry Wellesley were men of extraordinary capacity and talent. The same could be said about men like Elphinstone, Sir John Malcolm, Sir Barry Close, Col. Collins, Jonathan, Duncan and Sir Thomas Munro. Sardesai says that a nation possessing such able personalities for its agents is bound to win success at any time.

(9) Another cause of the success of the British was their inquisitive nature and their superior diplomacy. During the First Maratha War, the British had full and detailed information in their possession regarding to the Maratha Raj, its armies, the comparative worth of the various Jagirdars, their mutual relations and their family disputes. The British knew who could be won over and who were loyal to the Peshwa. When they started the war, they were prepared for any eventuality. Apart from Hornby, Warren Hastings, Mostyn, Anderson, Upton, Malet and Goddard who were actively participating in war, there were other British agents who were obtaining all kinds of information about the Maratha forts and their positions, paths leading to them, the condition of the people, local disputes and political happenings. For seven years, Mostyn supplied useful information about Poona to Bombay and Calcutta. Indeed, it can be said that he was the prime agent who provoked the war. On the other hand, the Marathas had practically no information about the English. They knew practically nothing about England, her resources, her strength in India, etc. Even Nana Phadnavis did not at all possess such details. We do not know any Hindu who had learned the English language during the Maratha regime and who could talk and correspond freely in that language. On the other hand, there were a large number of Englishmen who had learned Indian languages and could freely speak the same. It is pointed out that even Nana Phadnavis was ignorant not only of the geography of the outside world but even of India. The maps used by him were fantastic, incorrect and useless. No wonder the Marathas failed.

(10) According to Rajwade, the want of scientific study by the Marathas was the main cause of their failure. To quote him, "If any of the Maratha troopers accompanying Peshwa Bajirao II in his flight before the British regiments of General Smith and others during the early months of 1818, were asked why he ran away and what particular fright had seized him, he would have unhesitatingly

answered that he was not at all afraid of white bipeds but of th wonderful long range guns which they handled and the superior scientific equipment that they possessed in the art of conducting war." According to Ranade, "If the innovation (of Scindhia's trained brigade) had been accompanied by the acquisition of the requisite knowledge of military strategy and the scientific processes in the use and manufacture of superior arms, the helplessness which paralyzed the native armies when their European officers left them might have been avoided; but no care seems to have been bestowed in this direction and they were more helpless than ever on the battlefield."

(11) According to Sardesai, the untimely and unexpected deaths of many of its great men at different times were responsible for the failure of the Marathas. The untimely death of Shivaji brought the Mughal Emperor down upon Maharashtra. The untimely death of Bajirao I in 1740 freed the Nizam from extinction and made his dynasty permanent in the Deccan. The death of Peshwa Madhavrao let loose the latent dissolving forces upon Maharashtra and hastened its ruin. The death of Madhavrao II in 1795 brought to the Maratha leadership the evil genius of Bajirao II. According to Elphinstone, "It was the good fortune of the British that neither Bajirao nor Scindhia possessed the strength and spirit to stand forth boldly at a critical moment. If there was any other more intrepid man occupying the Peshwa's position at the time, it is not difficult to conceive how the British would have fared. The Marathas had at their command ample means of waging a successful war—arms, money, army and ammunition. Everything was ready. They only lacked a leader. Both Bajirao in the south and Daulatrao in the north became traitors to their nation and lost the game."

(12) Another cause of Maratha failure was the narrow conservatism and racial arrogance inherent in the traditional system of caste. The Brahman rulers set in motion reactionary forces and revived old customs instead of supporting bold reforms for the regeneration of society. Men like Bajirao II cared more for earning religious merit by distributing jobs among the Brahmans than for the security of the State. According to Rajwade, "An Englishman is a born political animal possessing the glittering polish of a gentleman, but diabolic at heart. Where politics is concerned, he will not respect even his own father, much less any one else. It was no wonder, therefore, that with our high talk of spiritual greatness, we went down in a short moment before the Englishmen."

Khare has given certain reasons for the failure of the Marathas. According to him, the Marathas did not possess any national sentiment. The internal jealousy and selfish treachery among them triumphed over the public interest. While individually the Marathas were clever and brave, they lacked the corporate spirit so essential for national independence. The scientific spirit of inquiry and improvement was entirely absent among them. The neglected to develop artillery as the main support of defence. The pernicious system of allowing lands in lieu of pay for military service proved ruinous. After the death of Madhavrao I, no capable leader appeared in Maharashtra. The Marathas as a race lacked the virtue of discipline

and methodical pre-arrangement. The British were past masters in the art of diplomacy and the Marathas could not stand against them.

In his despatch dated 17th August 1817, Sir Thomas Munro pointed out some of the defects of the Marathas in these words : "When I consider the weakness of the native States and the character of the chiefs under whose sway they now are, I see little chance of a protracted resistance from them. They have no force to turn our armies and lengthen out the contest by a predatory invasion of our territories. They may run ahead of a few days but will have no time to rest or plunder. They will be exhausted and overtaken. It is not that they want resources, that they have not men and horses, but that there is no one amongst them possessed of those superior talents which are necessary to direct them to advantage."

"There is so little system or subordination in native governments that much more energy is required under them than under the more regular governments of Europe, to give full effect to their resources. Daulatrao Scindhia was never formidable even in the height of his power. The great means which he possessed were lost in his feeble hands. The exertions of Holkar against Lord Lake were still weaker than those of Scindhia. The power of Holkar's as well as Scindhia's government has so much declined since that time (1805), that it is scarcely credible they would venture to oppose us. The superiority of our Government is so great that the event of any struggle is no longer doubtful."

Suggested Readings

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CHAPTER X

WILLIAM BENTINCK TO AUCKLAND

LORD WILLIAM BENTINCK

The arrival of Lord William Bentinck marked the beginning of a new era in many ways. He was a man of resolution, capacity and spirit. Helped by his previous experience in Madras and an efficient staff of officials, he consolidated and re-organised the administrative machinery. He was a true liberal of his day and was thoroughly in accord with the ideals that inspired the era of Catholic Emancipation and parliamentary reform. He was the first Governor-General who acted on the theory that the welfare of the people was the main duty of the British in India. He infused into oriental despotism the spirit of British freedom. Although he was considered to be unsuccessful as the Governor of Madras he is considered to be one of the greatest of the Governors-General of India. He is famous not for his conquests but for the large number of reforms carried out by him in various fields.



Lord William Bentinck

It is a matter of common knowledge that the wars of Lord Hastings and Lord Amherst cost a good deal to the Indian exchequer. The Nepal War, the Third Maratha War, the First Burmese War and the action against the Pindaris practically exhausted the Indian treasury. When William Bentinck reached India, he found a deficit budget. The time for the renewal of the Charter of the Company was coming near and the Directors wanted to present a favourable picture of Indian administration with a view to convincing the people. No wonder, *economy*, *reduction* and *increase in the total revenues* of the State became the watchwords of Bentinck's policy.

Financial Reforms. William Bentinck appointed two Committees to inquire into the expenditure on civil and military affairs of the Company and make recommendations for its reduction. The Committees went into the whole matter and made their recommendations. Accepting their recommendations, William Bentinck abolished many sinecure jobs, cut down the allowances and reduced the

salaries of the civil servants. In the case of the military establishment, much could not be attempted. However, he halved the Bhatta allowances paid to the military personnel. Even before William Bentinck, the Directors of the English Company had tried to reduce the allowances but they had failed. Now, they ordered William Bentinck to reduce the Bhatta immediately. Consequently, in November 1828 an order was issued by which the Bhatta was reduced by fifty per cent at all stations within four hundred miles of Calcutta. There was a lot of agitation against the Governor-General who was openly insulted and condemned by the Anglo-Indian press. In spite of this opposition, William Bentinck stuck to his guns and ultimately the opposition died out.

He abolished the Provincial Courts of Appeal and Circuit. According to Bentinck, these courts served as "resting places for those members of the service who were deemed unfit for higher responsibilities." A lot of saving was made from this account.

An attempt was made to increase the revenues of the Company by regulating the opium trade. Bentinck evolved the system of licences for the direct conveyance of opium from Malwa to Bombay and thereby added to the revenues of the Company.

Even before the assumption of Diwani of Bengal, Bihar and Orissa by the Company, grants of revenue-free lands had been made to individuals and institutions. The English Company also confirmed those grants. A Regulation of 1793 and another of 1819 empowered the Collectors to examine the validity of the grants. There was a suspicion that many grants were fictitious and illegal. A Regulation of 1828 directed the Collectors to look into the legality or otherwise of those grants. Special Commissioners were appointed to hear appeals from the decisions of the Collectors. The parties concerned pleaded that they could not produce their documents on account of the passage of time. The Government did not accept this plea and consequently many revenue-free lands were resumed by the Government. This resulted in a lot of discontentment among the people, but William Bentinck was able to add to the revenues of the Company.

At this time, the revenue settlement of the North-Western Province was carried out. We are told that William Bentinck attended to this problem as soon as he came to India. He personally went on a tour of the province and consulted the best brains on the subject. He evolved a plan of settlement which became law in 1833. Land was surveyed. A classification of the soil was made. Settlement was fixed for thirty years. It was made either with ryots or the zamindars or the village community. Undoubtedly, the revenue settlement encouraged the improvement of the soil and guaranteed the Government a definite amount of revenue.

The employment of Indians in the service of the Company also resulted in some economy. The salaries paid to the Indians were much lower than those paid to the Europeans.

The result of the above reforms was that the finances of the English Company were rehabilitated. Instead of a deficit of one million, Bentinck left behind a surplus of two millions.

Judicial Reforms. The judicial system of the Company suffered from three great evils, *viz.*, delay, expense and uncertainty. Calcutta had become too distant for the newly-acquired territories. In the work of judicial reforms, Bentinck was assisted by Sir Charles Metcalfe, Butterworth Bayley and Holt Mackenzie.

In 1829, William Bentinck abolished the Provincial Courts of Appeal and Circuit. These courts were not doing their work enthusiastically. Their work was falling in arrears. These judges did not acquire sufficient knowledge and acquaintance with the people of the country. They failed to protect the people from the oppression of the police. The under-trials were made to live in prison for months before their cases were heard and disposed of. No wonder William Bentinck decided to abolish these courts. However, he appointed Commissioners of Revenue and Circuits. The Bengal Presidency was divided into twenty divisions and a Commissioner was appointed for each division. These Commissioners were required to perform the same duties which were formerly performed by the judges of the Provincial Courts of Appeal and Circuit. The Commissioners were also given the duty of supervising the Collectors of Revenue and the police within their areas. However, these Commissioners were themselves placed under the control of the Sadar Nizamat Adalat and Board of Revenue for their criminal and revenue functions respectively.

In 1829, a Regulation provided that the magistrates were to have the power of awarding punishment of two years' imprisonment with labour. Appeals were to be taken to the Commissioners.

A Regulation of 1831 provided for the summary disposal of cases relating to rent. Collectors were given the power to decide those cases summarily. Their decisions were to be final. Those could be reversed only by means of regular suits in civil courts.

Another Regulation of 1831 provided that respectable Indians were to be appointed in the Zila Courts and City Courts. Indian judges were to try cases up to the value of Rs. 300. These judges were known as Munsifs. They were to get fixed salaries from the Government.

It was provided in 1831 that principal Sadar Ameens were to be appointed by the Governor-General-in-Council. Respectable Indians were to hold these offices. They were to get regular salaries. Appeals were to be taken from their decisions to the Zila or City Courts. Neither the Ameens nor the Munsifs were empowered to try cases in which Americans and European British subjects were involved.

Bentinck decided to set up a separate Sadar Diwani Adalat and Sadar Nizamat Adalat at Allahabad and these courts started working from the beginning of 1832.

A Regulation of 1832 introduced the jury system in Bengal. Its object was to help the European judges to take advantage of the assistance of respectable Indians for the disposal of cases before them. European judges were given the power to refer a case to a Panchayat of the Indians and the latter was required to make inquiries regarding the matter in question, and send a report to the

judge. Provision was made for the appointment of Indian assessors to help the judges. They were required to give their opinions individually.

William Bentinck abolished the use of Persian as court language and ordered the use of vernacular for that purpose. This was a great boon to litigants who could express their grievances in their own language.

Administrative Reforms. Lord William Bentinck reversed the policy of Lord Cornwallis with regard to the employment of Indians in the service of the English East India Company. Cornwallis had no faith in Indians and consequently insisted upon the employment of Europeans. It was found that it was very expensive to employ Europeans while Indians could be employed on much cheaper wages. Indians were available for clerical jobs on account of the spread of English language. Bentinck introduced three grades of Indian judges and the highest of them called Sadar Amins were given a salary of Rs. 750. The employment of Indians removed one of their grievances. This new policy was in accordance with the principle laid down in the Charter Act of 1833. That Act laid down that "no native of India nor any natural born subject of His Majesty should be disabled from holding any place, office of employment by reason of his religion, place of birth, descent or colour." William Bentinck followed the lines suggested by Sir Charles Metcalfe, *viz.*, "native functionaries in the first instance of all departments. The European superintendents, uniting the local powers of judicature, police and revenue in all their branches, through the districts over which they preside ; Commissioners over them and a Board over them communicating with and subject to the immediate control of the Government."

William Bentinck appointed a Board of Revenue at Allahabad for the North-Western Province.

Educational Reforms. It is well-known that the Charter Act of 1813 allotted a sum of Rs. one lac a year for the "revival and promotion of a knowledge of the sciences among the inhabitants of the British territories." The Government of India could not make up its mind as to how the money was to be spent and the same was allowed to accumulate every year. In 1823, Mr. Adams appointed a Committee of Public Instruction to make suggestions. However, much could not be done on account of pre-occupation with the First Burmese War. William Bentinck had to tackle this problem. There were two schools of thought on this question. H. H. Wilson was the leader of the Orientalists and Sir Charles Trevelyan was the leader of the Anglicists. The arrival of Lord Macaulay as Law Member strengthened the hands of those who stood for the expenditure of money on English education. Ultimately, the issue was decided in favour of the English language. Practical considerations were responsible for deciding the issue. It was felt that not only the Government of India would get cheap clerks but there would be greater demand for English goods. Even Indians like Raja Rammohan Roy were in favour of the English language. By a resolution of March 1835, William Bentinck declared that "the great object of

British Government ought to be the promotion of literature and science among the natives and that the funds appropriated for education should be best employed on English education alone."

It cannot be denied that the English education gave the Indians a *lingua franca* and thereby helped the cause of nationalism in the country. The Indians were introduced to the treasures of western knowledge.

In 1835, a Medical College was opened at Calcutta. Thus the knowledge of the western theory of medicine began to be given to the students in India.

Social Reforms. William Bentinck was responsible for the abolition of Sati and Thugee. Both these customs involved death. The only difference was that death in the case of Sati took place voluntarily and in the case of Thugee was inflicted by Thugs on others. Nobody knows the origin of the custom of Sati. Undoubtedly, it was an old custom which prevailed among the higher castes. It was considered to be a privilege and honour and that is why it was accompanied by the recitation of sacred hymns. The widowed woman burnt herself along with her husband. She was made to put on all her clothes and ornaments and after the act of burning was over, the Brahmans were able to put all the gold into their pockets. This created vested interests and hence the custom was continued in spite of protests from time to time. It is well-known that Akbar tried to suppress the custom of Sati. Albuquerque had done the same. The Peshwas also prohibited this custom within their territories. In 1823, the Court of Directors made an inquiry into the custom and hinted at the possibility of prohibiting it by law if there was no danger of any great opposition. Lord Amherst had invited opinions on this question and it was found that there was no unanimity. William Bentinck came to the conclusion that there was no possibility of any serious consequences if the Sati was made a penal offence. He was helped in this task by Raja Rammohan Roy. By a regulation of December 1829, Bentinck declared the practice of Sati as illegal and punishable as "culpable homicide." There was strong opposition from the orthodox sections of society but William Bentinck had the courage of a reformer and he carried out the reform. There was agitation for some time, but the same died out after the passage of time.

As regards the Thugs, they were bands of hereditary robbers and murderers who carried out their crimes in a uniform manner. The existence of the associations of Thugs first came to the notice of the British after the capture of Seringapatam in 1799. A few hundred of them were captured in the Mysore territory where they particularly flourished. A few years later, further arrests in the Arcot district led to the discovery that the Thugs operated in many parts of India and enjoyed the protection of petty chieftains and zamindars in many places. It was found that they worked in gangs, and confined their attention to travellers. Their customary method of murdering was by strangling. Their children were regularly trained in their profession. They robbed the poor and the rich and were ready to commit murder for the sake of a few rupees. The gangs of

Thugs often contained as many as 300 men. In such cases, they worked as sub gangs and gathered as a body only when it was absolutely necessary.

Thornton has explained the method of the working of the Thugs in these words : "Some variations have existed in the manner of perpetrating the murders ; but the following seems to be the most general : While travelling along, one of the gang suddenly throws a rope or cloth round the neck of the devoted individual and retains hold of one end, the other end being seized by an accomplice. The instrument of death, crossed behind the neck, is then drawn very tight, the two Thugs who hold it pressing the head of the victim forward ; a third villain, who is in readiness behind the traveller, seizes him by the legs, and he is thus thrown on the ground. In this situation there is little opportunity of resistance. The operation of the noose is aided by kicks inflicted in the manner most likely to produce vital injury, and the sufferer is thus quickly despatched....Such are the perseverance and caution of Thugs, that, in the absence of a convenient opportunity, they have been known to travel in company with persons whom they have devoted to destruction for several days before they executed their intention. If circumstances favour them, they generally commit the murder in a jungle, or an unfrequented part of the country, near a sandy place or dry water-course. Particular tracts are chosen, in every part of India, where they may exercise their horrid profession with the greatest convenience and security. Much-frequented roads, passing through extensive jungles, where the ground is soft for the grave, or the jungle thick to cover them, and where the local authorities take no notice of the bodies, are favourite spots. The Thugs speak of such places with the same affection and enthusiasm as other men would of the most delightful scenes of their early life."

Inside each band of Thugs, there were regular ranks and gradations. A Thug with a great reputation as a strangler or whose ancestors had been Thugs from time immemorial, or who could bribe or hoodwink the local officials, or who was a natural leader of men, became a Jamadar. A person who was an outstanding member of the profession became a Subedar. Whatever things were captured by the Thugs, had to be divided among many persons. The leader was given a special share of the plunder. First of all portions were set aside for the local polygars or chieftains whose connivance was important. Something was set apart for the performance of religious ceremonies. After that, two shares were given to the actual murderer and a share each was given to the ordinary member of the gang. The Thugs had great faith in religious superstitions. They believed that if they acted according to the rules and observed the omens, the Hindu Goddess Kali would not desert them. One of the Thugs told Sleeman thus : "That Davy (or Kali) instituted Thugi and supported it, as long as we attended to her omens and observed the rules framed by the wisdom of our ancestors, nothing can ever make us doubt."

The English East India Company did something in this field to remove the curse of Thugee, but there was not much progress. In 1829, the agent of the Governor-General in Narbada territories

was instructed to take action against all the Thugs wherever they might be. Captain Sleeman was appointed as the Assistant of the Agent. The officials of the Company throughout India were directed to send to him not only reports of all cases of Thugee, but also all facts which might help to unearth the secrets of the Thugs. A study of the reports showed that in Mysore alone, hundreds of persons were murdered annually by the Thugs.

There were four main difficulties in the way of successful operations against the Thugs. The first difficulty arose from the very nature of the crime which was usually done in secret. The magistrate of Chittoor observed thus : "It is only necessary to consider the habits of the phansigors to be convinced of the extreme difficulty of discovering and convicting them and how inadequate the ordinary measures of State and the operation of the present laws are for effecting those objects. The scene of their crimes is always out of their own districts, seldom within thirty miles of their usual places of abode ; they have sometimes left their homes for several months together and faced journeys of many hundreds of miles. Their victims are generally travellers with whose circumstances they become acquainted at public choultries ; they frequently change their names and sometimes go by several names, the latter to prevent detection ; murder their victims at a distance from towns or large villages, in public roads leading through jungles or uncultivated land, in which they bury their bodies ; they sometimes take with them some of their children (boys under twelve years of age) the less to attract notice and suspicion. The headman of the gang sometimes rides on a horse ; they generally have with them some bullocks or tattoo ponies to carry the plundered property ; by these means they normally pass for merchants, the character they frequently assume. A gang is always sufficiently numerous to allow several persons belonging to it being stationed at a short distance from the places where their victims are put to death, to give alarm in the case of approaching danger. They never commit robbery unaccompanied with murder ; they first strangle their victims and then plunder them."

Another difficulty in the way of the Government was that the Thugs enjoyed the protection of the chiefs, zamindars and officials and consequently could do whatever they pleased without any fear of punishment. The Thugs were required to pay lot of money in the form of Nazrana. A Thug approver stated that not he alone but his father also was a Thug. The approver also produced a list of the Thugs who paid tribute to the Gwalior State. All the houses of the Thugs were taxed and one of the Thugs was required to collect the money. When the Thugs returned from their expeditions, they made presents to their leaders. According to another approver, the Thug leaders "keep up a direct understanding with the local authorities in Bundelkhand, in whose limits they and their followers reside ; and invariably on their return from an excursion, conciliate their forbearance and favour by suitable Nazranas." Connivance by local rulers was perhaps the rule rather than the exception.

Another difficulty was that many Thugs had alternative sources of livelihood. They spent most of their time in a respectable occu-

pation and practised Thugee occasionally. It was difficult to suspect such persons.

Another difficulty arose from the new standards of proof demanded by the courts under English officials. Many persons, known to the people of the locality to be Thugs, were acquitted for want of rigorous evidence. Sometimes an honest informer was punished because his case was not proved in a legal sense.

To meet the above difficulties, two measures were adopted. An Act was passed by which the mere fact of belonging to a gang of Thugs was made an offence punishable with imprisonment for life. It was often possible to prove association where evidence of a commission of a specific offence was not forthcoming. Moreover, Sleeman and his colleagues made skilful and discriminating uses of approvers. A Thug against whom evidence was clear was pardoned after making a full confession, That helped the authorities to know more about the Thugs and their whereabouts. It is stated that within six years, about 200 Thugs were arrested, about 1,500 were put to death or transported for life and the rest were confined to a reformatory at Jubbulpore.

According to Hindu law, if a Hindu became a convert to Christianity, he was not entitled to a share in the property of his family. The law was changed in such a way that even if a Hindu was converted to Christianity, he was to be entitled to his share in the paternal property.

Public Works Reforms. The irrigation schemes started in the time of Lord Minto were taken up in the time of William Bentinck. Canals were dug for the distribution of water in the North-Western Province. Roads were improved. The Grand Trunk Road from Calcutta to Delhi was built and from Bombay to Agra was started.

Relations with Indian States. The Mughal Emperor complained of the inadequate allowance given to him. Although Raja Rammohan Roy went to England to plead the cause of the Mughal Emperor, nothing came out of it. This created bitterness.

William Bentinck followed a policy of non-intervention with regard to the dependent States. After the death of Nizam Sikandar Shah of Hyderabad in 1829, Nazir-ud-Daula became the Nizam and the latter requested the British Government to remove the British officers. The request was granted.

There were disturbances in Jaipur. The Rani and her lover were executed in 1835. The British Resident was assailed. However, the policy of non-intervention was followed.

In the case of Bhopal, Sikandar Begum took over the administration into her hands. There was a lot of confusion and trouble in the State. In spite of that, the British Government remained neutral.

In the case of Gwalior aud Sind, no consistent policy was followed. Sometimes a policy of intervention was followed and sometimes that of non-intervention.

As regards Mysore, there was a lot of confusion and misgovernment in the State. The people revolted against the ruler.

William Bentinck intervened and took over the administration of the State in his own hands. This arrangement continued up to 1881.

William Bentinck was responsible for the annexation of the State of Coorg. The ruler of Coorg became insane and put to death every male member of the royal family. He oppressed his subjects. The result was that the British Government denied him its protection. As this had no effect, war was declared against the Raja. He was defeated and captured and the State was annexed.

William Bentinck sent Colonel Pottinger with instructions to enter into a commercial treaty with the Amirs of Sind. Although the latter hesitated, they were forced to enter into a treaty on account of the danger of Sikhs[1].

Bentinck met Maharaja Ranjit Singh at a Durbar held at Rupar in 1831. The object of this meeting was to bring the two countries together so that they might co-operate with each other in the event of a Russian advance.

Charter Act of 1833. The Charter renewed the monopoly of the English Company for 20 years. It centralised legislation.

Estimate of Bentinck. The glories of William Bentinck were the glories of peace and not of war.[2] He was responsible for rehabilitating the finances of the English Company. He removed the legitimate grievances of the Indians by admitting them into the service of the Company. He carried out many useful reforms in the social, adminstrative and judicial fields. He introduced the steamship navigation on the Ganges. R. C. Dutt has summed up his achievements in these words : "William Bentinck's seven years' rule was an era of peace, retrenchment and reform. He secured tranquillity in the East India Company's dominions and lived at peace with the Indian powers. He reduced the public debt, decreased the annual expenditure and showed a surplus. He commenced that revised settlement of land revenue in Northern India which gave relief to landlords and cultivators. He admitted the educated people of India to the higher appointments in the revenue and judicial departments. He abolished the practice of *sati* and suppressed the crime of *thugee*. He promoted English education in India and endeavoured to carry out the maxim that the administration of India was primarily for the interest of the people."

"Lord William Bentinck infused into oriental despotism the spirit of British freedom." "William Bentinck's part in consolidating British authority in India was a great and honourable one."

Lord Macaulay wrote on the base of Bentinck's statue at Calcutta the following inscription : "To William Cavendish Bentinck, who during seven years ruled India with eminent prudence, integrity and benevolence ; who, placed at the head of a great empire, never

1. According to Alfred Lyall, Bentinck's treaties with Ranjit Singh and the Amirs of Sindh "were in point of fact the preliminary steps that led us, a few years later on, upon the wide and perilous field of Afghan politics." (*British Dominion in India*, p. 313).

2. "Peace hath her victories no less renowned than war."

laid down the simplicity and moderation of a private citizen; who infused into oriental despotism the spirit of British freedom; who never forgot that the end of government is the happiness of the governed; who abolished cruel rites; who effaced humiliating distinctions; who gave liberty to the expression of public opinion; whose constant study it was to elevate the intellectual and moral character of the nation committed to his charge." Macaulay also referred in another place to "the veneration with which the latest generation of Hindus will contemplate the statue of Lord William Bentinck."

According to Grenville, "He (Bentinck) is a man whose success in life has been greater than his talents warrant, for he is not right-headed and has committed some great blunder or other in every public situation in which he has been placed; but he is simple in his habits, popular in his manners, liberal in his opinions, and magnificently hospitable in his mode of life."

H. T. Prinsep who *knew* William Bentinck intimately wrote thus about him: "It was not in Lord W. Bentinck's nature to give his implicit confidence to anybody except his wife, and he never took any important step without consulting her. She had been trained to diplomacy at Naples and in Sicily, and I cannot say that her advice and influence was other than beneficial." Again, "He had a great love of change and desire to meddle with every institution or practice that he found in work or prevailing. It is impossible to deny that some of his changes were beneficial, but *he as often muddled what he meddled with as improved it*, and he left a great deal to be done by those who succeeded him in order to bring the machine of Government back into good working order." Again, "Lord William Bentinck wrote more Minutes than all the other Governors-General of India put together, but they were mostly on subjects of little moment. If he had to discuss a great question, he did not bring to it any originality of view or commanding intelligence and power of reasoning that carried with it the conviction of those who read and had to carry out the ideas and propositions he desired to see adopted. But there never was a more honest man in his intentions, and in the distribution of his patronage."

SIR CHARLES METCALFE (1835–36)

Lord William Bentinck was succeeded by Sir Charles Metcalfe who was one of the ablest servants of the English East India Company. It was he who had negotiated the Treaty of Amritsar with Ranjit Singh in 1809. He had also worked as Lieutenant-Governor of the North-Western Province. The only important event of his time was the abolition of the restrictions on the Indian Press. The Home Government was so much annoyed at this act of the Governor-General that it decided to recall him. His period of office lasted for a few months.

LORD AUCKLAND (1836—42)

The most important event of his reign was the First Afghan War which has been discussed at length in Chapter XXXI. His Afghan policy has been universally condemned.

However, Lord Auckland carried out a few reforms. Before his time, the English in India enjoyed certain privileges with regard to their dealings with the Indians. They had the power to take their cases to the Supreme Court at Calcutta. Lord Minto was of the opinion that the discrimination was unjust and must be abolished. An Act was passed by which Englishmen in civil suits were put on the same footing as the Indians. This Act was called by the Englishmen by the name of "The Black Act."

Lord Auckland set up a large number of scholarships for the various Government schools in India. He also announced that the medium of instruction in all primary schools was to be the vernacular language of the area concerned. He set up medical colleges at Bombay and Madras.

With a view to meeting the menace of famines, Auckland sanctioned a large scheme of irrigation for the people of the Doab. On account of the outbreak of the First Afghan War, the scheme could not be carried out as no money was available.

Relations with Indian States. Lord Auckland threatened the ruler of Indore to depose him in case he did not improve his administration. The warning proved effective and the administration was improved.

The Raja of Satara resented his weak position and carried on negotiations with other interested and disaffected elements. The Government of Bombay asked him to admit his fault but the latter refused to do so. The result was that he was deposed and sent as a state prisoner to Banaras. His brother was put on the throne.

As regards Oudh, Lord Auckland entered into a treaty with its ruler. The treaty was disallowed by the Home Government. Although Lord Auckland knew the true state of affairs, he concealed the same from the ruler of Oudh and merely informed him that only a part of the treaty had been changed by the Home Government. Such an act of duplicity was unpardonable.

According to Trotter, "Cold-mannered, reticent, shy, good-natured, robust of figure, disliking all pomp or parade, and delighting in regular official work, Lord Auckland was eminently fitted by temperament and long experience to discharge the most exacting duties of quiet times." According to Grenville, "He (Auckland) was a man without shining qualities or showy accomplishments, austere and almost forbidding in his manner. Silent and reserved in society, unpretending both in public and in private life, and in the House of Lords taking a rare and modest part in debate.........Nevertheless he was universally popular......His understanding was excellent, his temper placid, his taste and tact exquisite, his disposition, notwithstanding his apparent gravity, cheerful; and under his cold exterior there was a heart overflowing with human kindness."

According to H.T. Prinsep, "He was a good man of business, an assiduous reader of all papers, and very correct and careful in any of the drafts he approved and passed ; but he was much wanting in promptness of decision, and had an overweening dread of responsibility which caused the instructions he gave which were often penned by himself, to be so unsatisfactory that his agents had generally to

decide for themselves what to do in the difficulty." Again "Lord Auckland was much esteemed by the society of Calcutta, native as well as European. He had many amiable qualities, and his two sisters, specially the elder, contributed much to establish his popularity. But he was the author of no great measure to improve the internal administration, and in his general policy he showed a hesitation and want of decision that prevented his being looked upon as a Governor-General of whom India might be proud. He was considered to have yielded too much to his Private Secretary (John Colvin), who on occasions when the Governor-General called his Members of Council and others into private consultation with himself, would take the whole initiative of the discussion while his Lordship sat listening with his hands at the back of his head; and from having thus so much thrown upon him he got the nickname of Lord Colvin among the younger Civil Servants."

Suggested Readings

BOULGER : *Lord William Bentinck* (1897).

EVANS, R. : *Lord Amherst* (1894).

MORE, R.W. : *Hindu Infanticide* (1860).

SLEEMAN, W.H. : *Rambles and Recollections*.

TAYLOR, MEADOWS : *Confessions of a Thug*.

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TROTTER, L.J. : *Earl of Auckland* (1905).

CHAPTER XI

ELLENBOROUGH AND HARDINGE

Lord Ellenborough (1842-44). Lord Allenborough was appointed at a time when the situation in India was very serious on account of the British bungling in Afghanistan in the time of Auckland. He was a man of vigour and dicision. Before his coming to India, he had acted as the President of Board of Control.

The first work done by Lord Ellenborough was that he brought the first Afghan War to a successful close. The credit may be shared by various English generals who actually conducted the campaigns but he also can claim his share.

Annexation of Sindh (1843). Another important event of the Governor-Generalship of Lord Ellenborough was the conquest and annexation of Sindh in 1843. It seems desirable to discuss at this place the Anglo-Sindh relations from the beginning of the 19th century up to its annexation.

Sindh was ruled by a number of chiefs or Amirs of the Talpura tribe who had originally come from Baluchistan. The important Amirs were at Khairpur, Hyderabad and Mirpur. The Amir of Khairpur claimed suzerainty over other Amirs.

In 1809, the English Company entered into a treaty with the Amirs by which the latter undertook not to allow any settlement of "the tribe of the French" in Sindh. In 1831, Burnes went on a mission to Lahore and he passed through the river Indus. It is stated that when a Syed saw the ship of Burnes passing through the river Indus, he remarked thus : "Alas, Sindh is now gone since the English have seen the river "

In 1831, Maharaja Ranjit Singh suggested to William Bentinck the partition of Sindh between himself and the British. The Governor-General did not accept the suggestion. However, the English Company forced the Amir of Hyderabad to enter into a treaty in April 1832 on the following terms :

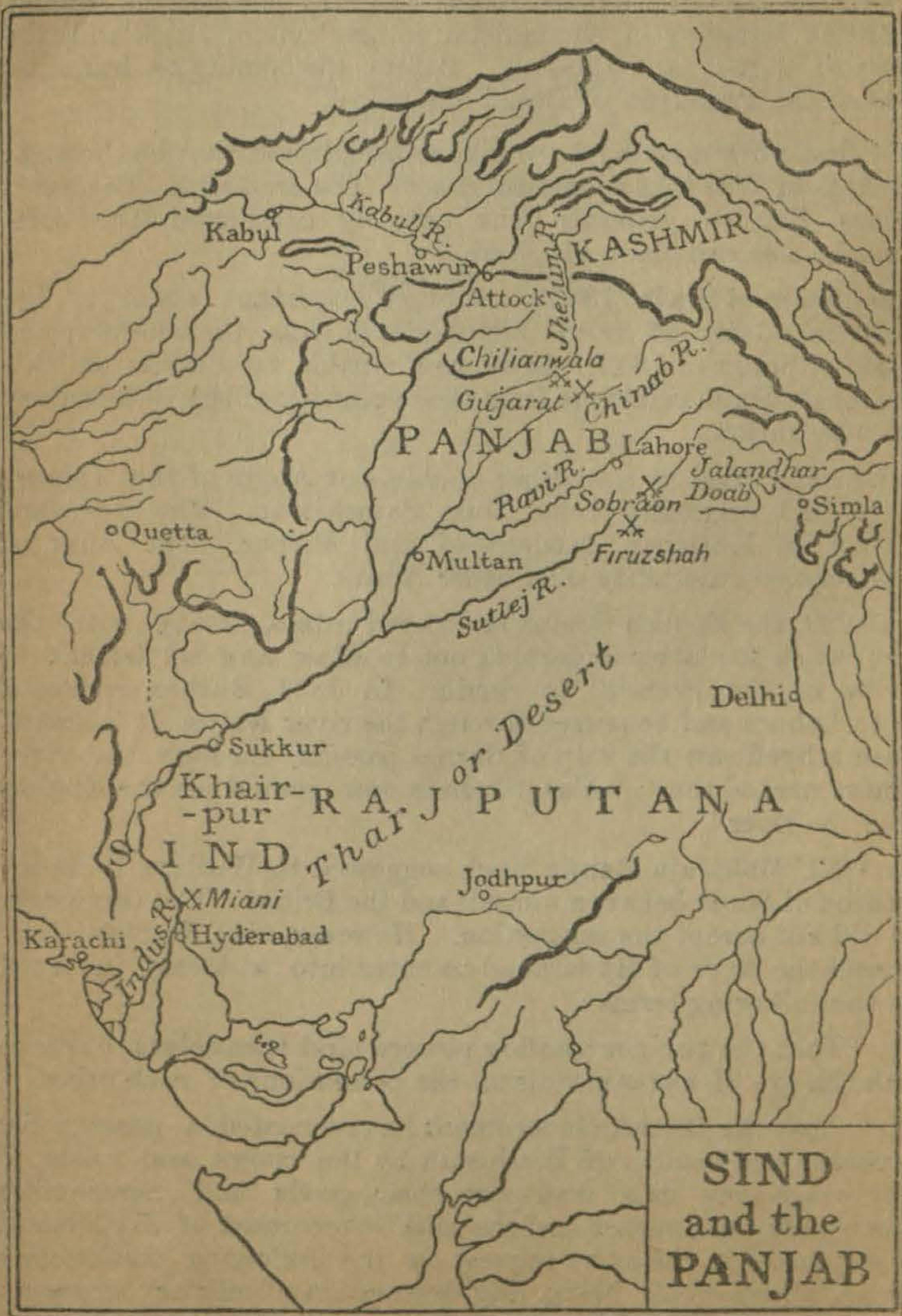
(1) "That the two contracting powers bind themselves never to look with the eye of covetousness on the possessions of each other.

(2) "That the British Government has requested a passage for the merchants and traders of Hindustan by the rivers and roads of Sindh by which they may transport their goods and merchandise from one country to another and the said Government of Hyderabad hereby acquiesces in the same request on the following conditions : (*a*) that no person shall bring any description of military stores by the above river and roads, (*b*) that no armed vessel or boats shall come by the said river.

(3) "That no English merchant shall be allowed to settle on Seinde, but shall come as occasion requires and having stopped to transact their business, shall return to India.

This treaty was renewed in 1834.

Maharaja Ranjit Singh was very anxious about the conquest of Sindh but the British Government refused to allow him to do so. As



a matter of fact, the British Government took the Amirs under its own protection. As a result of the favour done to them, Lord Auckland forced the Amirs in 1838 to have a British Resident at Hyderabad.

When the first Afghan War broke out and Maharaja Ranjit Singh refused to allow the British forces to pass through the Punjab, Lord Auckland decided to send the British troops through Sindh. The British Government did not care at all for the treaty of 1832. As a matter of fact, the Amirs were merely informed that "while the present exigency lasts...the article of the treaty prohibiting the use of the Indus for the conveyance of military stores must necessarily be suspended." Not contented with this, a demand was made for a large sum of money in commutation of Shah Shuja's claim for tribute. The Amirs argued that they had ceased paying any tribute to Shah Shuja during his 30 years' exile from Kabul. Shah Shuja himself had exempted them from all claims in 1833. At this the British Resident remarked thus : "How this is to be got over, I do not myself see." In spite of this difficulty, the money was exacted from them. They were also warned that "we have the ready power to crush and annihilate them, and we will not hesitate to call it into action, should it appear requisite however remotely for either the integrity or safety of our Empire, or its frontiers."

Sir John Keane threatened to advance on the capital of Sindh and the Amirs were forced to enter into a new treaty in February 1839. Even this treaty was arbitrarily revised by Auckland and his advisers in favour of the Company and sent back to the Amirs for their signatures. The latter "objected, implored and finally gave way by affixing their seals to the revised documents." Lord Auckland himself described the effects of this treaty in these words : "The confederacy of the Amirs is virtually dissolved, each chief being placed in his own possessions, and bound to refer his differences with the other chiefs to our arbitration ; that Sind is formally placed under British protection and brought within the circle of our Indian relations ; that a British force is to be fixed in lower Scinde, at Tatta or such other point to the westward of the Indus as the British Government may determine ; a sum of three lacs of rupees per annum, in aid of the cost of this force being paid in equal proportions by the three Amirs."

During the Afghan War, Sindh was made the base of operations. Although the Amirs could have done some mischief at this critical moment, they were absolutely faithful to the English Company. In spite of this, charges of disaffection and hostility were levelled against them by the Government of India. The charges were so vague that it was practically impossible to substantiate them.

At this time, Major James Outram who was the British Resident at Hyderabad, was superseded by Sir Charles Napier who was put in supreme control, both military and political. According to Innes, "Sir Charles conducted his operations on the theory that the annexation of Sind would be a very beneficent piece of rascality for which it was his business to find an excuse—a robbery to be plausibly effected."

Sir charles got on opportunity on account of the disputed succession at Khairpur. Without going into the merits of the claims of the various parties, Sir Charles decided in favour of Ali Murad. He also declared that the charges against the Amirs were proved to

be correct. He tried to impose fresh treaties on the Amirs. In December 1842, those treaties were sent to them for ratification. The Amirs were asked to accept the treaties by 20th January 1843. Outram arranged a meeting with the Amirs at Khairpur to persuade them to accept them. But even before that, Napier attacked and destroyed the fortress of Imangarh, a fortress lying half-way between Khairpur and Hyderabad. When the meeting at Khairpur took place, the Amirs of lower Sindh were present and the Amirs of Upper Sindh were delayed by the machinations of Ali Murad. Two days later, the Amirs of Upper Sindh reached Khairpur with their seals to be affixed to the treaty. Napier refused them permission and ordered them back to Hyderabad. In spite of the representations of Outram, Napier started his march towards Hyderabad. It is contended that if he had stayed his march towards Hyderabad, the treaties would have been signed and war avoided. According to Thornton, Sindh was treated by Napier "as though the rights of the Governor-General of British India to parcel it out at his pleasure were unquestioned and unquestionable ; and, moreover, as if it were desired to exercise this right in a manner as offensive as possible to those who were to suffer privation from the exercise."

It may be mentioned that by the new treaties required to be signed, the Amirs were to give important territories to the English Company in lieu of tribute. They were to provide fuel to the English steamers navigating the Indus. They were also to give up their right of coining money in favour of the British Government.

The acts of high-handedness on the part of Napier excited the war-like Baluchis who attacked the residence of Outram on 15th February, 1843. Outram managed to escape to a steamer. Regular war started. The important battles were fought at Miani and Dabo in February and March respectively. On 27th March, 1843, Napier occupied Mirpur. Napier communicated his victory to Lord Ellenborough in the well-known phrase : "*Peccavi, I have Sindh.*" Sindh was annexed in August, 1843. The Amirs were exiled. Napier got £70,000 as his share of the prize money. Outram was given £3,000 but he distributed the same among charitable institutions. Outram wrote to Napier thus : "I am sick of policy ; I will not say yours is the best, but it is undoubtedly the shortest—that of the sword. Oh ! How I wish you had drawn it in a better cause."

The Sindh policy of Lord Ellenborough and Sir Charles Napier has been universally condemned. The Directors of the Company disapproved of it although they had no courage to restore the same to the Amirs. It cannot be denied that the Amirs had given absolutely no provocation to the English. They were absolutely loyal throughout. They did not merit the treatment which was actually meted out to them. According to Innes, "If the Afghan episode is the most disastrous in our Indian annals, that of Sindh is morally even less excusable." Napier himself wrote thus in his Diary : "*We have no right to seize Sind, yet we shall do so and a very advantageous, useful, humane piece of rascality it will be.* . . .My present position is not, however, to my liking, we had no right to come here and are tarred with the Afghan brush." On this, Dr. Marshman

remarks thus : "The rascality is more apparent than the advantage except to the captors, to whom it brought a real draught of prize money of which seven lacs fell to the share of the General-in-Chief."

The conquest of Sindh was in every respect the aftermath of the Afghan disaster. According to Elphinstone 'Coming after Afghanistan, it put one in mind of a bully who had been kicked in the streets and went home to beat his wife in revenge, it was the tail of the Afghan storm."

According to Dodwell, "In this Ellenborough's policy has almost universally been condemned. The Directors of the Company made it a pretext for an embittered attack on a man who had offended them in other ways ; and the Whigs naturally were glad to attack the man who had not hesitated to expose Auckland's misconduct. Nopier's phrase, 'a good, honest, useful piece of rascality,' represents the common judgment. But the notion that the Amirs were attacked and their country annexed simply because they were weak is scarcely tenable. The main culpability lies with Auckland. Ellenborough's responsibility is limited to his treatment of the situation which he inherited. He found the rulers of this frontier state engaged in intrigues which were hostile though certainly not in themselves dangerous. He was clearly entitled to decide whether or not to exact the penalty. That was a question not of political morals but of political expediency. The size of the state, the immediate danger of its intrigues, are not relevant matters. Viewed broadly, the annexation of Sind seems comparable with the assumption of the Carnatic. In both cases advantage was taken of foolish and hostile conduct to secure a considerable political advantage. Ellenborough, like Wellesley, was more concerned to consolidate and strengthen the position of the East India Company than to make benevolent gestures in the idle hope that others would follow so futile an example." (*The Cambridge Shorter History of India*, pp. 520-21.)

According to Ramsay Muir, "Sindh is the only British acquisition in India of which it may fairly be said that it was not necessitated by circumstances and that it was, therefore, an act of aggression." According to P.E. Roberts, "The conquest of Sindh followed in the wake of the first Afghan War and it was morally and politically its sequel."

War with Gwalior. Another event of the reign of Ellenborough was the war with Scindhia. In 1843, Jankaji Scindhia died without any issue. His widow, Tarabai, adopted a son and a regent was appointed with the permission of the Governor-General. The regent was dismissed and a kind of civil war started in the territory. There was the danger of the revolt of the army. The Governor-General demanded the reduction of the troops. Negotiations failed and hostilities started. The Scindhia army was defeated at Maharajpur and Paniar. A new treaty was made by which the army was cut down to 9,000 men. A British contingent of 10,000 was enlisted. The affairs of the minor ruler were placed under a Council of Regency which was to follow the advice of the Resident.

Recall of Ellenborough. The Court of Directors was not at

all happy with the way in which things were being managed in India by Lord Ellenborough. They also highly disapproved of the insubordinate and hectoring tone in which they were addressed by their Governor-General. The Duke of Wellington warned the Governor-General of the gathering storm and blamed him for his long absence from the seat of Government. Ellenborough himself was conscious that recall was in the air. There was an exchange of unpleasant letters between the Governor-General and the Court of Directors in which the former declined to resign and challenged the Directors to remove him. In June 1844, the Directors took him at his word and although he was supported by the Board of Control he was ordered by the unanimous vote of the Court of Directors to return. By identifying himself at every stage with the army and the military policy, Ellenborough had not merely alienated but exasperated the European Civil Service. Although he was much esteemed by the army whose side he had so openly taken, his departure was witnessed without regret.

According to Lord Curzon, "With better judgment and less vanity Ellenborough might have been a considerable ruler ; for he had conspicuous talents, and I remember Mr. Gladstone telling me that he thought him the best speaker of his day in the House of Lords. As it is, he was the shortest-lived and the least successful of all the Governors-General." Lord Macaulay observed thus in the House of Commons on 19th March, 1843, about Ellenborough : "*We have sometimes sent them Governors whom they love, and sometimes Governors whom they feared, but they never before had a Governor at whom they laughed*"

Lord Hardinge (1844-48). Harding was a brave soldier and was well acquainted with the arts of war and peace. He was a hero of the Peninsular War and had participated in the battle of Waterloo. Before coming to India as Governor-General, he had remained in Parliament for 20 years and worked as Secretary of War.



Lord Hardinge

The most important event of his reign was the first Sikh War. The war started in December 1845. The important battles of the war were fought at Mudki, Firozshah, Aliwal and Subraon. The war was ended by the Treaty of Lahore (1846). The English got the Doab and an indemnity of 1½ crores of rupees. The Sikh army was reduced to 22,000 infantry and 12,000 cavalry. Henry Lawrence was left as Resident.

Hardinge also carried out certain reforms. He issued an order that all appointments in public services were to be given to those persons who had received English education. Salt duty was reduced and many octroi duties were abolished. Free trade was encouraged. Expenditure on the military was reduced. The native states were asked to abolish *Sati* within their territories. He made arrangements for the preservation of ancient monuments in India. He suppressed the practice of human sacrifice prevalent among the Gonds in the hilly tracts of Orissa.

Suggested Readings

COLCHESTER, LORD	:	*The History of the Indian Administration of Lord Ellenborough* (1874).
LAMBRICK, H. T.	:	*Sir Charles Napier and Sind* (1952).
LAW, A. L.	:	*India under Ellenborough* (1926).
NAPIER, WILLIAM	:	*The Conquest of Sindh* (1845).
OUTRAM, SIR J.	:	*Conquest of Sind* (1846).

CHAPTER XII

MAHARAJA RANJIT SINGH AND HIS SUCCESSORS

The Sikhs who were originally a religious sect were hammered into a military power by their conflict with the Afghans. When Ahmed Shah Abdali withdrew in 1767, they occupied the country between the Jumna and Rawalpindi. It is true that for some time that progress was checked by the Marathas, but when the Maratha power was broken by Lord Lake in 1803, the Sikhs began to entertain new hopes of progress and growth in the future.

Ranjit Singh was born in 1780. At the age of 19, he helped Zaman Shah, the Afghan ruler of Kabul, in invading the Punjab. Out of gratitude, Zaman Shah appointed Ranjit Singh the Governor of Lahore in 1799. He was also given the title of Raja. In 1802, he made himself master of Amritsar. By and by, he brought under his control the Sikh Misls or fraternities west of Sutlej.

Ranjit Singh was encouraged by the policy of non-intervention followed by Sir George Barlow (1805—7). He intended to extend his authority over the territory known as the Cis-Sutlej states. These Sikh states were formerly under Scindhia, but when the latter was turned out from Hindustan, they informally came under British protection. In 1806, some Sikh chiefs of these states quarrelled among themselves and asked for the intervention of Maharaja Ranjit Singh. The latter accepted the invitation, crossed the Sutlej and occupied Ludhiana. When his happened, the Sikh chiefs were alarmed and they appealed to the British Government for protection. At that time, Lord Minto was the Governor-General and he was determined to keep the power of Maharaja Ranjit Singh to the line west of the Sutlej. The British Government declared that they would not allow Ranjit Singh to establish his control over the Cis-Sutlej states, and there was every possibility of war between the two Powers. At this time, Ranjit Singh hesitated. Negotiations were started and Charles Metcalfe was sent for that purpose. After many delays, the Treaty of Amritsar was signed in 1809. This treaty fixed the river Sutlej as the boundary line between Maharaja Ranjit Singh's territory and that of the English Company. It established "perpetual amity" between the two powers.

If Maharaja Ranjit Singh could not extend his territory in the East, he tried to extend the same in the West. In 1810, he led an expedition against Multan which was ultimately annexed in 1818. He got Kangra from the Gurkhas and Attock from the Afghans in 1813. He took advantage of the lawlessness that prevailed in Afghanistan and became independent of that territory. In 1814, he gave shelter to Shah Shuja and relieved him of his Koh-i-Noor. In 1819, Ranjit Singh conquered Kashmir and in 1823 Peshawar passed into his hands. It was formally annexed in 1834. He had

his designs on Sindh but could not achieve them on account of the British opposition. He died in 1839 at the age of 50.

Anglo-Sikh Relations (1809-39). It seems desirable to discuss at length the relations between the English and Maharaja Ranjit Singh from the time of the signing of the Treaty of Amritsar to the death of the Lion of the Punjab. It has already been pointed out that one of the effects of the treaty of Amritsar was that the British Government was able to take the Cis-Sutlej states under its protection. Ranjit Singh's advance in the East was checked but he was given a *carte blanche* so far as the region to the west of the Sutlej was concerned. Metcalfe is said to have told Ranjit Singh that in 20 years he would reap the fruits of his alliance with the British. In 1827, the Maharaja told Wade that "His words have been verified."

Up to 1812, there were some doubts and suspicions. A small fort was raised at Phillaur near the British frontier and Muhkam Chand was put in charge of it. It served as a frontier outpost, a station of defence and a watch-tower. Even deserters from the British army were received by Muhkam Chand. However, after some time, the relations between Ranjit Singh and the English Company began to improve and continued to be cordial up to 1823. During this period the English were busy with the Gurkhas and the Marathas and Ranjit Singh was busy in conquering Multan, Derajat, Kashmir, Peshawar and the hills and plains of the Punjab.

There was a change in the British attitude. That was due to the fact that Ranjit Singh came to be considered as a rival of the British in India and consequently an attempt was made to check and curb his power. There were certain disputes with regard to the indefinite Cis-Sutlej frontier. Out of the 47 territories claimed by Ranjit Singh, 12 were disputed. In 1827, the British Government decided most of these 12 cases practically in their own favour. The claim of Ranjit Singh to Ferozepur was disallowed although he claimed that the Sikhs of Ferozepur were among the oldest of his subjects. The reason for this is given by Murray in these words: "The capital Lahore is distant only 40 miles with a single river to cross, fordable for 6 months in the year. The post of Ferozepur from every point of view seems of the highest importance to the British Government whether as a check on the growing ambition of Lahore or as a post of consequence." Ferozepur was occupied by the British in 1835 and a military cantonment was made in 1838. There were protests against this but the British Government ignored them.

Between 1822 and 1828, British attitude was to watch very carefully the activities of Maharaja Ranjit Singh. According to Murray, "The British Government must not lose sight in a moment of repose and tranquillity of one of the principal and original motives of the advance of our troops to the frontier."

In 1815, Pirthi Bilas, the Vakil of the Gurkhas, and Sheo Dat Rai, a reliable person of the Raja of Bilaspur, approached Maharaja Ranjit Singh and requested him to help the Gurkhas in their war with the British, to speak to the bankers to lend them 5 lacs of

rupees and to help the Gurkhas to cross the Jumna and the Ganges. The Maharaja expressed his inability to help the Gurkhas against the British although he was very unhappy when the Gurkhas were defeated. Likewise, he did not respond to the appeal of the ex-Peshwa Baji Rao in 1822. He also ignored the requests of the ex-king of Nagpur in 1820. He did not adopt any hostile attitude towards the English Company when it was busy in the Burmese War. In 1825-26, he did not go to the help of the people of Bharatpur. The ruler of Bharatpur offered Rs. one lac for every day's march and Rs. 50,000 if he brought 20,000 troops to his assistance.

Between 1827—1831, there was an insurrection at Peshawar led by Syed Ahmed against Ranjit Singh. It is true that the British Government did not give any help to the Syed either directly or indirectly, but undoubtedly it connived at the help given to the Syed by his own subjects.

In the case of Sindh, Ranjit Singh wanted to have Shikarpur which was regarded as the gate of Khorasan, and of great importance to the industry of Asia. It had a commercial connection with many remote marts. The possession of Shikarpur could give Ranjit Singh some control over Afghanistan and Baluchistan. More than half of the population of Shikarpur was that of the Sikhs and only about one-tenth of the people were Muslims. Before taking any action, Maharaja Ranjit Singh sounded the British Government. However, the latter was reticent. Although Pottinger was negotiating at that time a commercial treaty with the Amirs of Sindh, that fact was not mentioned to Ranjit Singh at the time of his meeting with William Bentinck at Rupar. Ranjit Singh did not oppose the British Government on the point of commercial treaty and also did not press his claims on Shikarpur.

In 1835, Ranjit Singh once again began to make preparations for the defence of Shikarpur and an attack on Sindh. In September 1836, the Maharaja held his Durbar and gave a Khilat to Nao Nihal Singh and directed him to proceed to Multan and from there to Mithankot. He was also to inform the rulers of Sindh that if they did not pay the tribute to the Maharaja, Shikarpur would be occupied. Hari Singh Nalwa was sent to join the prince. Diwan Sohan Mal, Governor of Multan, also advanced. War seemed to be imminent, but Ranjit Singh did not precipitate matters on account of the stiff attitude of the British Government. He was not prepared to give up his British alliance for the sake of Sindh.

Ranjit Singh and William Bentinck met at Rupar. So far as the British Government was concerned, its underlying motive for the interview was to give the world an impression that there was complete amity between Ranjit Singh and the British Government in India. Ranjit Singh also wanted to emphasize the fact that he was acknowledged as the head of the Khalsa by the British Government.

It is well known that when Burnes was sent to Kabul to negotiate a treaty with Dost Mohammad, the latter expressed his willingness to enter into an alliance on the condition that the British

Government helped him to get Peshawar from Ranjit Singh. Burnes's view was that if the British Government asked Maharaja Ranjit Singh, the latter would be only too glad to give up Peshawar because that was not a profitable affair. In spite of this suggestion, Lord Auckland refused to ask Ranjit Singh to give Peshawar to Dost Mohammad. The result was that negotiations with Dost Mohammad fell through and Burnes had to come back empty-handed. Lord Auckland made it clear that he was not prepared to do anything which was likely to create any suspicion in the mind of Ranjit Singh.

In 1838, the Tripartite Treaty was signed between Maharaja Ranjit Singh, Shah Shuja and the English Company. Ranjit Singh at first showed hesitation to enter into this treaty. He was an unwilling partner because he felt that he was going to have in Kabul a dependent ally of the British in Shah Shuja but he also knew that he could not improve his position by remaining aloof. There was a meeting of Ranjit Singh and Auckland in November 1838 at Ferozepur and Ranjit Singh got an undertaking that the British troops would not pass through the Punjab. However, on account of the death of Ranjit Singh in 1839, and the disorder and confusion that prevailed in the Punjab, the British Government was able to take its troops and convoys through the Punjab during the First Afghan War. It is pointed out that one of the objects of the Tripartite treaty was to check the power of Ranjit Singh in Sindh. One of the articles of the treaty provided that Shah Shuja was to give up his claims of supremacy and arrears of tribute over the Amirs of Sindh and matters were to be left to the mediation of the British Government. The British Government was preparing the way for the annexation of Sindh.

It is pointed out that in the last decade of his carrier, Ranjit Singh did not deal with the British Government in a firm manner. Probably that was due to the fact that he felt the English to be too strong for him. He feared to expose his kingdom to the risk of war and consequently decided to follow a policy of surrender before the British Government.

According to Dr. Sinha, a political alliance means a rider and a horse. "In this Anglo-Sikh alliance, the British Government was the rider and Ranjit was the horse. The English limited Ranjit's power on the East, on the South and would have limited him on the West if that were possible. Evidently, a collision between his military monarchy and British imperialism was imminent. Ranjit Singh, the Massinissa of British Indian history, hesitated and hesitated forgetting that in politics as in war, time is not on the side of the defensive. When the crash came after his death under for less able men, chaos and disorder had already supervened and whatever hope there had been when he was living, there was no more when he was dead. In his relations with the British Government, Ranjit Singh is seen at his worst. He never grandly dared. He was all hesitant and indecision."

Civil Administration of Ranjit Singh. According to Dr. G. L. Chopra, "The only administrative plan which could serve as a precedent for the organisation of civil departments was that of the

Mughals."—(*The Punjab as a Sovereign State*). There was a close resemblance between the Mughal system of administration and that of Ranjit Singh. In all essential matters, there was no departure. The Maharaja did not avail himself of European intelligence and experience in civil administration as he did in the case of military organisation. A very limited number of Europeans were employed in civil capacity. In 1805, the Maharaja was advised by Holkar to organise a regular treasury, but he did not do so till 1808 on account of his military preoccupation. In 1808, Diwan Bhawani Das was appointed Finance Minister and it is the Diwan who divided the financial transactions of the State among the following Daftars :—

(*i*) **Daftar-i-Abwab-il-Mal.** The Department dealt with the accounts of the revenue receipts, and was subdivided into (*a*) Jama Kharch-i-Taaluqat and (*b*) Jama Kharch-i-Sairat. The Taaluqat section comprised entries referring to the land revenue ; while the Sairat included all other sources of income, the most important being Nazrana, Zabti, Abkari, Wajihat-i-Moqarari, and Chaukiyat.

Nazrana was a tribute paid to the supreme ruler of the state on different occasions under various circumstances by his subjects, specially by prominent vassals and dignitaries. Sometimes, it was in the form of a fixed annual charge from a subordinate Chieftain. Sometimes it was the price paid to the conqueror for the retention of a piece of territory by a defeated prince. **Zabti** formed a source of considerable income to the Sikh ruler, who often punished his delinquent officials with fines or forfeitures of property or both. Besides, in several cases, he withdrew grants of land from the descendants of his deceased Sardars. They were sometimes retained by the state while sometimes they were regranted to others in lieu of cash payment.

Abkari included all charges made on the sale of opium, bhang, spirits and other drugs. The income derived from this source was comparatively insignificant.

Wajuhat-i-Moqarari included both the profits of justice and charges corresponding to the stamp duties of modern times. The receipts under this head were collected in different ways. First, certain charges were made for the redress of grievances by means of judicial decisions. Fines paid for criminal acts may be put under this head. Then there were proceeds from various charges levied on petitions addressed by the people either to the Sikh ruler or to one of his ministers.

Lastly, we may include the payments made for the affixation of the Royal seals on all kinds of private contracts.

Chaukiyat. There was a very comprehensive scale of duties which were levied, under forty-eight different heads, and on most articles of daily consumption. No discrimination was made between articles of luxury, and those which formed the necessaries of life. Charges were generally made in cash. Griffin writes that the mode of collection was extremely vexatious, the country was covered with custom houses at which merchants were treated with insolence and oppression. An article paid duty on being taken into a town, a

second time on being taken into a shop, and a third time on re-export.

Land Revenue System. In India land revenue has been the mainstay of every government. In the beginning of Ranjit's career, the system known as Batai was re-introduced on the old Mughal plans to regulate apportionment of produce between the cultivator and the government. This system continued until 1823 and constituted the first period.

In the second period, which began in 1824 and extended over nearly a decade, the Batai system was replaced by a system of assessments known as Kankut. According to this, the share of the government was reckoned out of a standing crop, the value of which was estimated in terms of money. The portion for the state was now collected in cash. It was a distinct improvement on the old method, because it saved the officials from two-fold responsibility, *viz.*, guarding the grain from being stolen by the peasantry and carrying it to distant markets for sale. The adjustment of expenditure to income was made much easier and far more certain than before, owing to the ability of the government to estimate its share in money beforehand. Even the Kankut system was found partly ineffective because it enabled the government to estimate its income only just before the end of a harvest. Hence it was difficult to make a correct forecast in advance. After 1834, Ranjit Singh began to encourage the practice of farming out the revenues of large area of irrigable lands to the highest bidders, for period varying from three to six years. By these contracts, the farmers were required to present detailed accounts of the extent of the cultivated area and the total amount of produce in their districts. This practice of leasing was developed by selling the farms of the village, as a whole, to the villagers themselves.

As a rule, the state demand may be said to have varied from two-fifths to one-third of the year's produce. This proportion prévailed in all districts which had been fully conquered and which were fairly cultivated.

On further investigations, we come to the conclusion that the share of the gross produce which belonged to the government was never rigidly fixed at one uniform rate. It varied from place to place, according to the productivity of the crops, the means of irrigation and other facilities of cultivation.

In addition to the regular share of the produce the state claimed a number of Abwabs (cesses). These were collected along with the land revenue, of which they formed a fixed proportion. The percentage, however, differed, the usual rate varying from 5% to 15% of the revenue.

The revenue was collected twice a year, a month or so after the reaping of the two harvests, called *Rabi* and *Kharif*. The chief officer incharge of the collection in a district was the Kardar (collector) and he was assisted by subordinate officials like Muqadams (foremen), Patwaris (revenue assessors) and Kanungos (hereditary registrars). The proceeds of revenue were kept in the district trea-

sury under the control of the Kardar and were either transmitted to Lahore or disposed of according to the wishes of the ruler.

(*ii*) **Daftar-i-Abwab-il-Tahwil.** This was the second department and was concerned with the records of accounts of income and expenditure sent by officials. The cashiers were called Tahwildars. At first, this department dealt with accounts of a varied nature. But when separate offices of record, income and expenditure were set up, the work of this office became more limited.

(*iii*) **Daftar-i-Taujhihat.** This attended to the accounts of the royal household, such as the expenses of the Zanana, presents and Khilats, entertainments of guests, and Tosha-Khana.

(*iv*) **Daftar-i-Mawajib.** In this office were kept the accounts of pay and other emoluments in the various governmental services, such as the army, the civil staff, and the clerical establishment. This department was gradually divided into several branches to deal with the ever-increasing volume of work.

(*v*) **Daftar-i-Roznamcha-i-Ikhrajat.** This office was set up to register accounts of daily expenditure under various heads. Hence it dealt with various items from this standpoint.

These Daftars passed through several changes concerning details of organisation in subsequent years. Each of them was subdivided into branches to cope with the administrative developments.

Territorial Divisions and Local Administration. The Punjab was divided into four Subas : Lahore, Multan, Kashmir and Peshawar.

Each Suba was divided into Parganas, each Pargana into Taluqas and every Taluqa was made of 50 to 100 Mauzas. This division followed largely the system of the Mughals. The administration of a Suba was entrusted to a Nazim (Governor) whose duties were analogous to those of the Lieutenant-Governor before the Reforms of 1919. He had under him a number of Kardars. There was one Kardar for every Taluqa. The Kardars differed in position and importance according to the extent of territory under their charge. The Nazim occupied a higher position than that of an average Kardar, but his functions were largely of an appellate character and of a more general nature. The Kardar came into immediate contact with the people in their daily activities. He was a revenue collector, a treasurer and an accountant, a judge and a magistrate, an excise and customs officer, and a general supervisor of the people on behalf of the government.

Judicial Arrangements. There were no written laws in existence in the days of Ranjit Singh. Judicial decisions were made in accordance with customary principles. The procedure was crude and simple and no distinction was made between civil and criminal cases. The settlement of disputes rested with the Panchayat. This was a body of five men who were the elders of the village. The qualification for its membership was the possession of land, and a certain amount of local influence and prestige. The Panchayat was more like an arbitration court. Hence its decisions were revised by the Kardars, whenever they were rejected by either party. In towns, justice

was administered by the Kardars who also decided the more important cases within their Taluqas. In the cities, cases were decided by the Nazims or by more important Kardars and sometimes separate officials were appointed to devote themselves entirely to judicial work. They were known as Adaltis (justices). A distinct court was set up at the capital town known as Adalat-i-Ala (exalted). Its functions resembled those of a High Court of present day.

Civil cases were of a varied nature. First of all, there were cases of betrothals and matrimonial engagements, which were decided by the Panchayats. There were breaches of contracts, sales on credit and the like. In these decisions, great importance was attached to the sworn testimony of witnesses. In such matters, the government of Ranjit Singh levied fees on the successful party. Civil suits regarding landed property were decided on evidence obtained from records which were regularly kept in Qazikhanas.

As regards crimes, the infliction of capital punishment was reserved to the ruler himself. The punishment for murder or other physical injuries was meted out to the offenders more often in the form of fines than bodily chastisement. Mutilation was employed in exceptional circumstances. On the whole, it may be said that the rigour of punishment depended upon the nature of the crime, the personal disposition of the magistrate and likelihood of his action being reported to the ruler.

Though to all intents and purposes Ranjit's judicial system was crude and simple, yet in actual practice it suited to the social and political environments of the people of the Punjab. The abuse of authority on the part of local officials was limited by several considerations. *Firstly*, the term of office of Ranjit Singh's officials depended on good behaviour. The consciousness that their dignity, prestige and social status and even their private wealth and property depended solely on the favour of their master, acted as a restraining influence on their arbitrary actions. *Secondly*, the Maharaja's frequent and unexpected tours introduced a real risk of complaints of bribery and corruption reaching his ears. Another factor contributing to the same result was the practice of deputing special justices to tour in different districts for the purpose of hearing complaints and deciding cases of particular importance. The greatest merit of the system lay, however, in its simplicity and in the absence of those legal intricacies and technicalities which, if introduced among the Sikh peasantry, would have beset the path of justice with difficulties.

Ranjit Singh's Government. He established in the Punjab a pure and unmitigated despotism. He transformed the whole constitution of the Sikhs from an irregular commonwealth of a loose federal type into a military monarchy based on personal rule.

Under Ranjit Singh's personal despotism, the Punjab was governed in a manner which generally suited the existing state of society. Village life throughout was little interfered with. Its local affairs were mostly subject to the Panchayats. One great secret of

the popularity of the Maharaja's rule was that it kept open to the humblest citizen the possibilities of acquiring position and wealth. Another great merit of Ranjit's authority was that he never based it upon his own inherent superiority, or any Divine Right Theory of Supremacy. He never arrogated to himself any high-sounding titles, or claimed supernatural powers. On the contrary, he always showed that his actions were directed to the glory of the Khalsa. Under Ranjit Singh, the Sikhs had achieved brilliant triumphs, city after city had acknowledged their authority, until a large kingdom had been created, whose military resources now commanded awe and reverence alike from the neighbouring States and distant rulers.

The despotism of Ranjit Singh may be described as benevolent. He was no alien ruler from the point of view of race and religion. Under his authority, the economic resources were wholly utilized in the kingdom. Through the blessing of his rule, the people of the Punjab evolved a degree of law and order, and entered upon a period of peace and prosperity which had not been enjoyed for several generations.

Army of Ranjit Singh. There has been considerable confusion among writers about the year in which Ranjit Singh first raised regular units. Most of them state that the idea originally struck the prince in 1809, while observing the discipline of Metcalfe's escort. In 1805, Holkar had entered the Punjab and in the course of conversation with Ranjit Singh, he urged upon him the desirability of organising the treasury, constructing defensive fortifications and disciplining forces. Ranjit Singh visited Lake's camp in disguise and observed the drill of the Company's troops. Yet the greater incentive to reforming activities came from the agreement with Metcalfe. This agreement created great anxiety in Ranjit Singh's mind as to the safety of his kidgdom. Experience led him to decide that the maintenance of a strong standing army was indispensable for triumphs of diplomacy and war.

In the Khalsa Darbar, records of the army of Ranjit Singh were divided into two sections—the Fauj-i-Am or the regular army, and the Fauji-i-be-Qawaid or the irregular force.

Fauj-i-Am or Regular Army. The regular army may be sub-divided into three parts : (*i*) Infantry, (*ii*) Cavalry, and (*iii*) Artillery.

(*a*) **Infantry.** The creation of the *infantry* was a gradual process which began soon after 1805 and continued throughout Maharaja's reign. The Sikhs looked upon service with contempt and refused to join its ranks. But Ranjit Singh persisted in his efforts and ultimately succeeded in overcoming their traditional prejudices. The result was visible in 1818, when the inhabitants of the Punjab, both Sikhs and others, began to dominate the service. In 1822, the Maharaja employed French officers in his service. Most of them had taken part in the Napoleonic campaigns, and were fully conversant with the latest methods of Western tactics and drill. Under the personal supervision of Ranjit Singh, they performed their duties energetically, and in a few years orga ised and trained an efficient force.

The early organisation of the infantry was simple. It consisted of a number of Paltans, to each of which two horse-guns were attached on an average, to form them into separate units. Each of these was put under a Commandant. This organisation was expanded later on as the strength of a battalion increased. Later, the Paltan or battalion became a part of a larger organisation called a brigade. On an average, a brigade contained four battalions of infantry, a small varying strength of cavalry, and a battery of eight to ten horse-guns. A company of Beldars was generally attached to it.

At the time of Ranjit Singh's death, eight hundred formed the minimum strength of a battalion, which was divided into eight companies each of which in turn was composed of four sections. The average strength of a company was one hundred, while a section comprised roughly twenty five men. As regards officers, the Commandant was assisted by an Adjutant and a Major. Each company was under a Subedar who was assisted by two Jamedars. Each section of a company was commanded by a Hawildar, who also had a Naik for his assistance. The officers of the battalions were sons or relatives of Sirdars, or members of the landed gentry. When the Sirdar had two or more sons the Maharaja usually took one while young, and trained him for service. The non-combatant establishment of each battalion included a Munshi, a Mutassaddi, and a Granthi, in addition to the manual workers, such a Khalasis, Saqqas, Gharyalis, Beldars, Jhanda Bardars, Mistris, Kannas, and Tahilyas.

The uniform of the infantry was scarlet. There were, however, different coloured facings to distinguish the regiments. The trousers were of the blue cotton cloth ; and the turbans were of same colour. The belts were of black leather. The men were usually armed with sword, musket and bayonet.

Fauj-i-Khas or French Legion. This was the model brigade of the Sikh army. It was raised in 1822 by Generals Ventura and Allard. Its normal strength was four battalions of infantry, two regiments of cavalry, and one troop of artillery comprising twenty-four guns. Special efforts were made in its training, and in point of discipline and equipment, it grew to be the best organised section of regular army. The infantry section of the brigade consisted of the Khas battalion, a Gurkha battalion, and two more commanded by Deva Singh and Sham Sota. The cavalry portion comprised a Khas regiment, and a dragoon regiment. The artillery was known as the Corps of General Ilahi Baksh.

As regards the officers of the Khass brigade, Dr. Murray says : "To each company in these battalions there is attached one Subedar, one Jamedar, four Hawildars, and four Naiks ; and to each battalion one Commandant and one Adjutant.

"The Fauj-i-Khas had as its emblems, the eagle and the tricolour flag, with an inscription of the Martial Guru Govind Singh embroidered upon it. It used French words of command. Thus it has been often called the French Brigade or the French Legion."

Captain Wade saw parades of the infantry section of the Fauj-i-Khas in 1827 five years after it had been constituted, and

described his impressions thus : "They were all dressed, armed, and equipped like the Raja's other regular battallions but in a neater and superior style. It was indeed impossible not to admire the high degree of perfection to which M. Ventura had brought this Legion."

(*b*) **Cavalry**. When Ranjit Singh began reforming his troops after 1805, his idea was to create a disciplined force of all the three branches. He accordingly attempted to introduce the European drill among irregular horsemen. The proud Ghorcharas regarded the new practices as the tricks of a dancing girl, and refused to abandon their old method of warfare. This led to the raising of new recruits, which, coupled with Ranjit's preoccupation in organising the foot service, hindered rapid progress. Until the arrival of Allard in 1822, there were only four trained regiments of cavalry in Sikh service. The total number of drilled horsemen was one thousand against ten thousand foot. After 1822, the progress was rapid. In 1829, seven years after Allard's arrival, the strength of the regular horse increased more than four times.

A cavalry regiment was, at first, composed of men of different creeds like the Pathans, Rajputs, Dogras, and others. Its number varied from one hundred to more than five hundred men. Later on, this service became popular among the Sikhs themselves; and the number of regiments increased. Regiments of large numerical strength were divided into Risalas, the strength of which ranged from one hundred and fifty to two hundred. The officers in the cavalry were similar to those as in an infantry battalion ; and similar was the arrangement of non-combatants. The pay of the cavalry regiment was much higher than in the infantry.

The regular horsemen have been described as "mean-looking, ill-dressed and wretchedly mounted," and their horse-trappings as "of the leather of worst quality." In the field, their conduct corresponded with their general appearance.

(*c*) **Artillery**. In the beginning two guns were usually attached to each infantry battalion, there being no distinct detachment of artillery in existence. In 1810, however, a saparate corps was raised and placed under an officer called Darogha-i-Topkhana. Two years later, this corps formed the principal unit of the artillery, and as such was called Topkhana-i-Khas. It was commanded by a Muslim officer, named Mian Ghuas Khan. The entire Topkhana was now divided into four sections, the first comprising Aspi guns, and the second Gavi guns. The third consisted of a separate horse battery ; while the last comprised a number of guns which were distributed over various battalions of infantry. The Ghubaras and Zambyraks were organised into Deras called Dera-i-Zamburkhana. In 1814 a fresh battery was raised, but the separate battery of the earlier period was assigned to the regular army. As a result of the reforming efforts of both these officers, General Court and Colonel Gardner, the entire Topkhana was reorganised. It was divided into three sections, (*i*) Tophkana-i-Jinsi. (*ii*) Tophkana-i Aspi, (*iii*) Zamburkhanas. The mixed batteries of the first were composed of Aspi guns, and Gavi guns and howitzers. The Topkhana-i-Khas was amalgamated with

other batteries to form one of the three principal sections of the regular army. In 1835 when the army was organised into brigades, the artillery branch underwent further modifications.

There was close resemblance between the internal organisation of a battery and a battalion of infantry, the average strength of a ten-gun battery being two hundred and fifty men, including non-combatants. Each battery was subdivided into sections, every section comprising two guns and eight to ten gunners. The ten-gun battery was officered by a Commandant, assisted by an Adjutant and a Major ; while each section was under a Jamedar, with a Hawildar and a Naik to assist him.

The training and organisation of the artillery on European lines was accomplished in less than a decade. General Court, to whom this task was chiefly assigned, joined the Sikhs in 1827, and within a few years, he raised the corps to a high pitch of efficiency.

Fauj-i-be-Qawaid or the Irregular Army. It was composed chiefly of horsemen. These were divided into two sections—Ghorchara Khas and the Misaldar. The former was a single organisation, and was recruited from amongst the yeomen or landed gentry. Many members were relatives of the dignitaries of the court. They supplied their own equipment, and were regularly paid at first in Jagirs but later on in cash. The Misaldars comprised all the petty chiefs who, having been recently dispossessed of their territories by Ranjit Singh, had consented to serve under him at the head of their respective bands of horsemen. The latter thus represented all classes of society, and were regarded as inferior in social status to the Khas troops. This difference was visible in their horses and enquipment. The Misaldars grew in numbers, and at the end of the reign, formed by far the greater proportion of the irregular cavalry. For administrative purposes, the Ghorcharas were divided into several Deras, each Dera comprising several minor groups of horsemen, which were called Misls. The men in a Misl belonged to a single clan. Their leader was usually the descendant of one under whom they had originally joined Ranjit Singh's army. These Misls were of varying strength, ranging from twenty-five to seventy-five men. In 1822, the Deras were grouped into bigger divisions, each of which was put in charge of a high dignitary of State. In these appointments, care was taken to keep these clans intact. Lord Auckland saw the Ghorcharas during his visit to the Punjab in 1838. and considered them to be "the most picturesque troops in the world."

Recruitment and Pay. Enlistment in the army was voluntary, and recruits could always be found in abundance. This was due to several causes. In the *first* place, many of the tribes inhabiting the Punjab possessed martial traditions of a high order. *Secondly*, a considerable social prestige was attached to the profession of arms. *Thirdly*, Ranjit Singh's personal attitude to the fighting forces secured an abundant supply of men who sought military careers.

In the days of the Misls, the troops were paid either out of the plunder or by grant of land, usually liable to the payment of revenue. The latter system continued under Ranjit Singh. It was, however,

found unsuitable for the needs of a standing army. Hence the system of cash payments in the form of monthly salaries was introduced.

Though the salaries were fixed at a monthly rate, in practice they were never paid at regular intervals. The army remained in arrears on an average from four to six months, and payments were made three or four times a year. This was partly due to the inefficiency of the pay department, but to a greater extent to the deliberate policy on the part of the Sikh ruler, who thereby checked the insubordination and desertion of his men. For purposes of distribution of pay, the army was divided into three branches—Fauj-i-Sowari, Fauj-i-Am, and Fauj-i-Filajat. The irregulars were paid at first by the commanding officer of each unit, and afterwards by a Dewan attached to each division. The regulars were always paid through a Bakshi. Payments to the third branch were made through Thanedars. The paymasters of all three branches submitted an estimate based on the approximate strength of the units under their sway, to the central treasury at the capital.

The pay in the regular army of the cavalry was higher than the infantry ; but the artillery and the infantry were paid much the same. The emoluments of the Ghorcharas were still better than those of the regular horsemen. Instead of a regular system of pensions for long service, occasional jagirs and donations of money were bestowed, but no systematic provision was made for the widows or children of those who lost their lives in the field.

Personality of Ranjit Singh. Ranjit Singh is known as the Lion of the Punjab. He was so popular with his subjects that Sir Repel Griffin who wrote fifty years after the death of the Maharaja, was constrained to remark thus : "Although half a century has passed since his death, his name is still a household word in the province ; his portrait is still preserved in castle and cottage. It is a favourite subject with the ivory painters of Amritsar and Delhi."

As regards the physical features of the Maharaja, he was not handsome at all. According to Baron Hugel, "I must call him (Maharaja Ranjit Singh) the most ugly and unprepossessing man I saw throughout the Punjab. His left eye which is quite closed disfigures him less than the other, which is always rolling about wide open and is mush distorted by disease. The scars of the small-pox on his face do not run into one another but form so many dark pits in his greyish brown skin ; his short straight nose is swollen at the tip ; the skinny lips are stretched tight over his teeth which are still good....He has a thick muscular neck, thin arms and legs, the left foot and left arm drooping, and small well-formed hands."

According to Griffin, the Maharaja was "the beau ideal of a soldier—strong, spare, active, courageous and enduring." He was excellent as a horseman and a swordsman. He had great capacity for work and he worked from early morning till late in the evening. With his indefatigable capacity for work, he could give suggestions

and guidance on very minute points. He had a wonderful memory. According to Jacquemont, "He knew the name, position and history of from ten to twelve thousand villages in his kingdom." He was so inquisitive that he put hundreds of questions to those who came to see him. According to Sinha, "His conversation was a nightmare even to a man of the intellectual capacity of Jacquemont." The topics he discussed ranged "from war to wine, and from learning to hunting with breathless rapidity." He was a great patron of learning. He gave rent free lands to the Pathshalas and Madrasas. He also gave them monthly grants. He patronised scholars like Munshi Sohan Lal, Mian Shah Muhammad, Diwan Amar Nath and Ganesh Dass. Munshi Sohan Lal wrote his famous book known as Umdat-ut-Tawarikh in Persian. Amar Nath was the author of Zafar Nama. Ganesh Dass wrote Fateh Nama Guru Khalsa Ji Ka.

The Maharaja followed a policy of religious toleration. In spite of his love for his own religion, he treated the other religions generously. This is evident from the fact that he employed the Faqir Brothers, the Dogra Rajas, and Brahmin Khushal Singh and Tej Singh. According to Griffin, "The tolerance of the Maharaja was due rather to indifference and selfishness than to any enlightened sentiment," but whatever the origin, his liberalism had an excellent effect on his administration.

The Maharaja was a great statesman. He cleverly came to the conclusion that it was practically impossible to make any headway against the Englishmen. It was with this conviction that he entered into a treaty of Amritsar with the English in 1809. Not only that, he hesitated throughout his long reign from fighting with the English. He tried to get as much as he could from the British Government but did not strain the relations to the breaking point.

Critics point out to some of his faults. He loved opium, wine and dancing girls. He had his weakness for Moran and Gul Begum. He was greedy and unscrupulous. This is clear from the way he got the Koh-i-Noor from Shah Shuja.

In spite of his shortcomings, he was a great man in many ways. He was a born ruler of men. In the words of Griffin, "Men obeyed him by instinct and because they had no power to disobey. The control which he exercised, even in the closing years of his life, over the whole Sikh people, nobles and priests, was the measure of his greatness." Again, "He was great because he possessed in an extraordinary degree the qualities without which the highest success cannot be attained; and the absence of the commonplace virtues which belong to the average citizen, neither diminished nor affected in any way the distinction of his character."

Estimate of Ranjit Singh. Ranjit Singh was a great warrior and statesman. The establishment of authority all over the Punjab, Kashmir and Peshawar is a proof positive of the qualities of head and heart possessed by Ranjit Singh. His genius helped him to create a centralised State. Although he was supreme, he styled himself as the first servant of the Khalsa. He always used the word

Sarkar or Khalsaji instead of Maharaja. He collected together generals and administrators and with their help was able to make the Punjab a powerful State. His employment of the Muslims and Europeans shows that he had no religious bias in him. Although he was absolutely illiterate, he possessed a lot of commonsense. He was the master of details and no wonder he was able to set up a strong State in the Punjab.

According to Cunningham, "Ranjit Singh found the Punjab a waning confederation, a prey to the factions of its chiefs, pressed by the Afghans and the Marathas, and ready to submit to English supremacy. He consolidated the numerous petty States into a kingdom, he wrested from Kabul the fairest of its provinces, and he gave the potent English no cause for interference. He found the military array of his country a mass of horsemen, brave indeed but ignorant of war as an art, and he left it mustering fifty thousand disciplined soldiers, fifty thousand well-armed yeomanry and militia, and more than three hundred pieces of cannon for the field. His rule was founded on the feelings of a people, but it involved the joint action of the necessary principles of military order and territorial extension ; and when a limit had been set to Sikh dominion, and his own commanding genius was no more, the vital spirit of his race began to consume itself in domestic contention." (*History of the Sikhs*, p. 200).

Ranjit Singh's Responsibility for Ultimate Decline of Sikh Power. According to Dr. G. L. Chopra, "Ranjit Singh has been held responsible for the ultimate decline of his kingdom. It is generally said that he committed the grave blunder of allowing the acquisition of vast territorial power and influence by the Dogra chiefs. This view, on the whole, has a substantial element of truth. Nevertheless, it must not be supposed that the Maharaja was blind to the dangers of his policy. We have already seen how he whittled down the possession of his Sirdars, even to the point of incurring blame for ingratitude to his servants. In the consistent pursuit of such a policy, however, the Maharaja felt a characteristic difficulty of destroying vested interests, which he himself had once created. It is, indeed, very difficult, if not almost impossible, for a despot, much of whose power depends on the maintenance of a semi-feudal nobility, to curtail the size of their holdings. Thus Ranjit failed to follow consistently the policy of reducing the people of the Punjab to a more or less uniform political level ; the most glaring example of such a failure was the grant of an extensive and contiguous territory to a single Dogra family."

Dr. Chopra also points out that the despotic and personal character of Maharaja's rule was also responsible for the ultimate decline of the Sikh power. To quote him, "That he was a 'State in person' is more particularly true of him than of several other despots known to history. Hence his death was certain to bring a rapid paralysis of the central authority in the kingdom. His court also, as has already been discussed in the previous chapter, was composed of diverse elements and conflicting interests ; and the harmonious co-operation of its members was only possible under his own unifying

authority. His ministers were mostly favourites and adventurers, who had never been allowed to exercise much personal initiative, and were always taught to reflect in their actions the sole will of their monarch. Consequently, when that monarch died their effort were directed to individual gain and advantage rather than to collective benefit ; while the absence of any competent successor revealed the inherent weakness of all States based on persona absolutism."

After pointing out the above two factors, Dr. Chopra refers to the threat from the side of the English East India Company and says that the annexation of the Punjab was inevitable as the Company was determined to annex the whole of India. Dr. Chopra says that "such subtle and fundamental causes were working against the independence of the Punjab, as the ruler of the Sikhs could not possibly provide against, even if he had displayed a better political genius."

The Punjab Politics from 1839 to 1845. After the death of Maharaja Ranjit Singh in 1839, the whole of the superstructure raised by him fell to pieces. The army became all powerful. It made and unmade kings. Confusion and disorder reigned everywhere. The hostility between theDogras and the Sindhianwalas added to the confusion. For six long years, there was absolutely no law and order in the country.

Maharaja Ranjit Singh was succeeded by his eldest son known as **Kharak Singh**. Dhian Singh became his Wazir. He was opposed by Sher Singh, another son of Ranjit Singh, and Nao Nihal Singh, his own son. Chet Singh, a favourite of Kharak Singh, was murdered. Kharak Singh died in November 1840. His son **Nao Nihal Singh** also was killed by a fall of a gateway in the Lahore fort. There arose some difficulty with regard to the succession to the throne and ultimately it was decided that Mai Chand Kaur should become the regent for the expected son of Nao Nihal Singh. Dhian Singh was to act as Wazir and Sher Singh was to work as viceroy. Sher Singh did not approve of the new arrangement and consequently usurped power in January 1841 and proclaimed himself as Maharaja. It was during the reign of *Sher Singh* that English troops and convoys were allowed to pass through the Punjab on their way to Kabul to participate in the First Afghan War. In June 1842, Chand Kaur was murdered. In September 1843, Sher Singh was murdered. Then came the turn of Dhian Singh who was disposed of similarly. Dhian Singh's son, Hira Singh, made up his mind to have revenge for the death of his father. He put *Dulip Singh*, a minor, on the throne and himself became the Wazir. Rani Jindan, mother of Dalip Singh, became regent. Hira Singh was assisted in his work by one Pandit Jalla. Throughout this period, it was suspected that the English had their hand in the anarchy prevailing in the Punjab. In December 1844, Hira Singh was murdered. After this, power fell into the hands of Jawahar Singh and Lal Singh, the brother and paramour of Rani Jindan. In September 1845, Jawahar Singh was shot dead and Lal Singh became the Wazir. On 11th December 1845, the Sikh army crossed the Sutlej and on 13th December, the war was declared by the British.

First Sikh War (1845-46). The most important cause of First Sikh War was the problem of the Khalsa army which was facing Lal Singh and Rani Jindan. The army had become independent of the civil authority and for six long years had acted as king-makers. This very army was responsible for the conquest of the whole of the Punjab in the time of Ranjit Singh, but after his death there was absolutely no one to control it. It is rightly said that fire is a good servant but a bad master. Likewise, when the Khalsa army could not be controlled by anybody, it began to kill all those who came in its way. The French Generals like Ventura were turned out and the country was helpless before the tyranny of the army Various sections managed to win it over by means of presents and gifts, but there could be no stability under such circumstances.

The main problem facing the Punjab was how to deal with the Khalsa army. No wonder, both Rani Jindan and Lal Singh felt that the only way to deal with the Khalsa army was to make it fight against the British. If it was successful, it would have the whole of India to conquer and thereby it would be kept busy. If it was defeated by the English, its number and strength would be reduced. It was with that idea that the Sikh army was ordered to cross the Sutlej.

An effort was made to convince the Khalsa army that the English were bent upon invading the Punjab. It was pointed out to them that after the annexation of Sindh, the turn of the Punjab was sure to come. The English were massing their troops on the Sutlej. The military post of Ludhiana had more than 35,000 troops. A similar number of British troops was stationed at Ferozepur. Likewise, a large number of troops were concentrated at Ambala. All this military activity alarmed the Khalsa army. It came to believe that the only motive of the English was to attack the Punjab. The English had built a brigade of boats for crossing the Sutlej. They had also increased their troops in Sindh. The Sikh leaders were also aware of the schemes of men like Burnes, Macnaughten and Napier for the dismemberment of the Punjab. It was in these circumstances that the Khalsa army crossed the river Sutlej in December 1845 and the First Sikh War began.

The most important battles of the First Sikh War were those of Mudki, Ferozshah, Aliwal and Sabraon. The Sikhs were defeated in the battle of Mudki. That was partly due to the treachery on the part of Lal Singh who left his followers just at the time when victory was in sight. The Sikhs also committed the folly of not destroying 7,000 British troops under Sir John Little who were absolutely at their mercy.

The battle of Ferozshah was fought on 21st December 1845. The Sikhs put up a very stiff resistance and the position of the English was really critical. Sir Hugh Gough wrote that "during that night of horrors, we were in a critical and perilous state." This time the treachery of Teja Singh helped the British. He ran away from the battlefield leaving the Sikh armies without a commander.

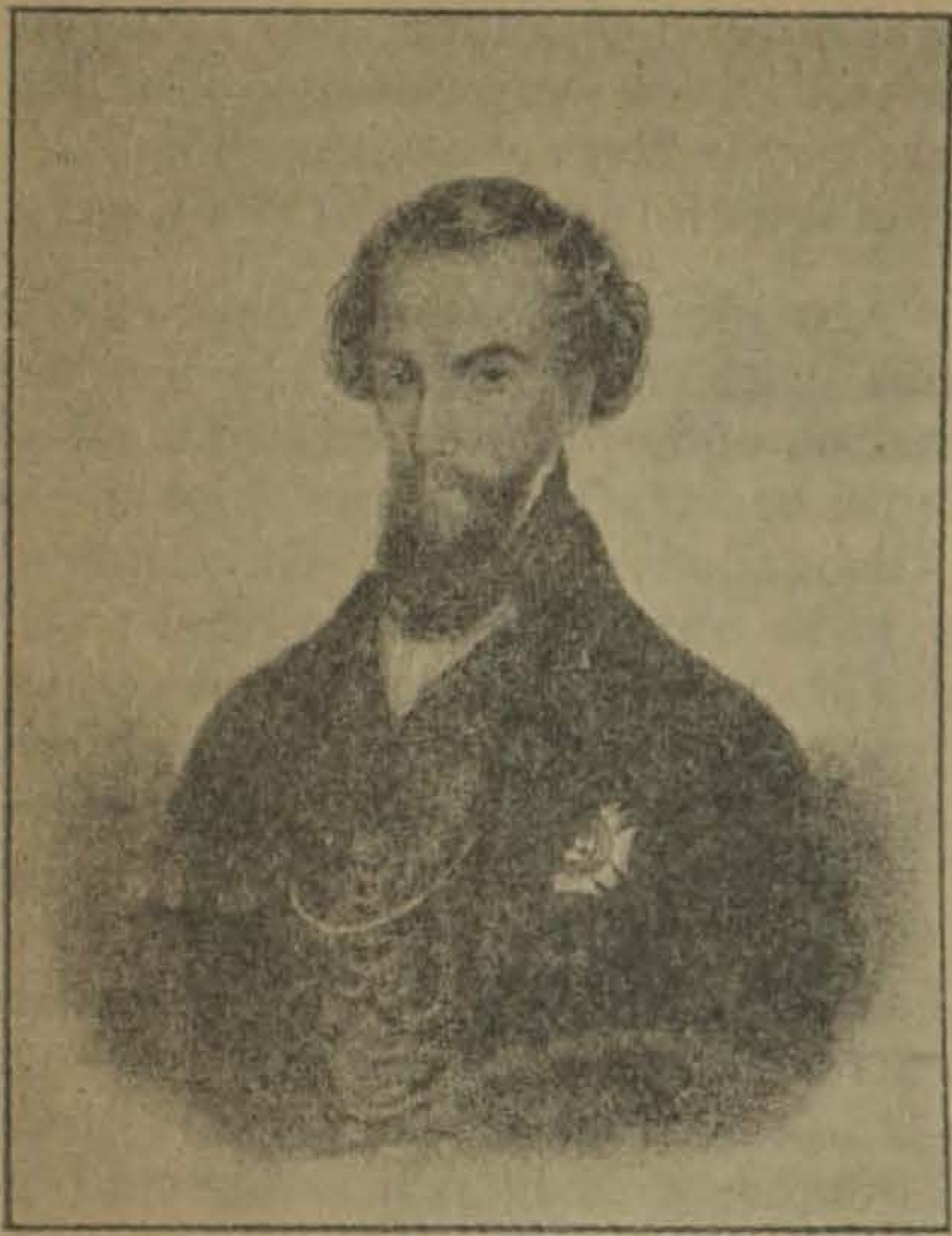
For more than a month, there was practically no fighting. That was partly due to the fact that the Khalsa army was without a leader and the British were so much stunned that they did not know what to do. The Sikhs found a leader in Ranjhor Singh and he defeated Sir Henry Smith at Buddiwal on 21st January 1846. Ranjhor Singh not only gave up the pursuit of the enemy but also left Buddiwal and the same was reoccupied by Sir Henry Smith. The Sikhs were defeated in the battle of Aliwal and Ranjhor Singh ran away.

At this time, Gulab Singh managed to become supreme at Lahore and he started negotiations with the British Government with a view to achieving his own selfish ends. It was settled between the parties that the Sikh army should be attacked by the English and when beaten it was to be openly disbanded by its own Government. The passage of the Sutlej was not to be opposed and the road to the capital was to be kept open to the victors. For all this service to the British Government, Gulab Singh was to receive Kashmir. It was under these circumstances that the battle of Sabraon was fought. Lal Singh also had sent a plan of the Sikh position at Sabraon to the English three days before the battle. It was in this atmosphere of treachery and shameful treason that the Sikh soldiers fought against the British. Soon after the first attack, Teja Singh ran away and "either accidentally or by design sank a boat in the middle of the bridge of communication." The Sikhs were without a leader and, no wonder, were defeated. The battle of Sabraon has been called the bloodiest battle of the war. The whole of the river Sutlej at that place ran red on account of the blood of the Sikh soldiers. After Sabraon, British armies marched on to Lahore and occupied the same on 20th February 1846. The *Treaty of Lahore* was signed in March 1846.

Lord Hardinge decided not to annex the Punjab and four reasons have been put forward for the same It was thought that the existence of a Hindu State between Afghanistan and British India would be advantageous to the Company. Another reason was that the annexation of the Punjab would not be profitable on account of the large amount of money that would be required to be spent on the newly acquired province. Another reason given is that Lord Hardinge doubted the strength of the English to occupy the whole country. Still another reason that is put forward is that the English did not annex the Punjab out of their respect for the memory of Ranjit Singh who was their faithful ally for many decades.

The rival claims of Lal Singh and Gulab Singh who had helped the English in winning the First Sikh War, gave some headache to Lord Hardinge. Both of them wanted to be supreme at Lahore. Ultimately, a way was found to reward both of them. Lal Singh was to be recognised as the Chief Minister of Maharaja Dalip Singh and Gulab Singh got the State of Jammu and Kashmir on the payment of a sum of one million sterling. The amount was reduced by one-fourth by the British Government.

Treaty of Lahore (1846). By the Treaty of Lahore the British got the Cis-Sutlej States, the Jullundur Doab and Hazara. The Sikhs were to pay an indemnity of 1½ crores of rupees. They were able to pay only half a crore out of their treasury and for the balance of it the State of Jammu and Kashmir was sold to Gulab Singh. The Sikh army was reduced to 25 battalions of infantry and 12,000 cavalry. The Sikhs were deprived of all those guns which were used by them against the English. The Sikh Government agreed not to employ British subjects or subjects of any European State without the concurrence of the British Government. Passage was to be allowed to the British troops through the Punjab. Maharaja Dalip Singh was recognised the ruler of the Punjab. A British force was to be stationed at Lahore and was to be withdrawn only by the end of the year. Henry Lawrence was appointed the British Resident at Lahore.



Sir Henry Lawrence

After the Treaty of Lahore, things did not work smoothly in the Punjab. Lal Singh and other Sikh leaders were opposed to the handing over of Jammu and Kashm r to Gulab Singh and their territory was given to them only after the intervention of the British troops. Rani Jindan and Lal Singh were accused of creating the trouble. An enquiry was made into their conduct and they were found guilty. Lal Singh was sent to Banaras.

In December 1846, another treaty known as the *Treaty of Bhairowal* was made by the British Government with the Lahore Durbar. By this treaty, Council of Regency consisting of 8 pro-British Sikh chiefs was appointed and this council was to act under the advice and guidance of the British Resident. A British force was to be maintained at Lahore and the Sikhs were to pay Rs. 22 lacs every year. This arrangement was to continue up to 1854 when Maharaja Dalip Singh was expected to become major. By this treaty, the Sikhs became virtually the masters of the Punjab.

In 1847 and 1848, many reforms were carried out in the Punjab which were against the interests of the Sikh nobility. This added to their discontent. The disbanded soldiers were naturally discontented because they had lost their salaries and other allowances. The Sikhs bitterly resented their defeat particularly because those were due to treachery on the part of their leaders. They also resented the activities of the British agents who were carrying on

negotiations with the tribesmen on the frontier. They did not approve of the concessions given to the Muslims in the matter of Azan or call for prayer and cow slaughter. Rani Jindan was bitter at the loss of her power and was determined to have her revenge. She was accused of conspiracy and sent away to Chunar. Her deportation was resented by the Sikhs.

Second Sikh War (1848-49). There is no doubt that discontentment prevailing in the Punjab would have resulted in a war sooner or later, but the revolt of Mul Raj, Governor of Multan, precipitated matters. He was the Governor of Multan since 1844. Previous to that, his father Sawan Mal was the Governor of Multan. Mul Raj was asked by the Lahore Durbar to pay the succession duty of one crore of rupees. He expressed his inability and was asked to pay Rs. 18 lacs. On account of the intervention of the First Sikh War, Mul Raj was able to postpone the payment, but demand was renewed after the war The sum now demanded was Rs. 19 lacs. As the payment was not made by him, he was ordered to pay Rs. 20 lacs and give up one-third of his territory. His annual tribute of Rs. 12 lacs was increased to Rs. 18 lacs. The Lahore Durbar also tried to interfere in the internal affairs of Multan. Mul Raj expressed his desire to resign provided the whole matter was kept a secret and no charges were brought against him and he was asked to render one year's accounts. The British Resident refused to accept these terms and ordered him to resign unconditionally and render accounts for 10 years. The demand for 10 years' accounts was simply stupid as he had not been the Governor of Multan for more than 4 years. The British Resident sent Anderson and Agnew with Sardar Khan Singh to take over the administration. Mul Raj handed over the Multan fort to them on 19th April 1848. The people of Multan got infuriated at the sight of Englishmen. There was a revolt on 20th April and the two British officers were murdered.

The British Government could have taken action at once but they waited for months and during that interval rebellion spread all over the Punjab. Sir Hugh Gough, the Commander-in-Chief, was of the opinion that the heat of the Punjab at the time was not favourable to large scale operations. It was decided to have a winter "hunt" after the rains.

On 10th October 1848, Lord Dalhousie declared thus : "*Unwarned by precedents, uninfluenced by example, the Sikh nation has called for war, and on my word, sirs, they shall have it with a vengeance.*" On 16th November, Gough crossed the river Ravi and on 22nd November was fought the battle of Ramnagar. In December 1848, the siege of Multan was started and it surrendered in January 1849. On 13th January 1849, was fought the *battle of Chillianwala.* It was a drawn battle. In February 1849 was fought the *battle of Gujrat* which has been called the "battle of guns." The Sikhs were defeated and the war ended on 13th March 1849. On 29th March 1849, the Punjab was annexed. Maharaja Dalip Singh was deposed and given a pension. Lord Dalhousie rejected the suggestion of administering the Punjab with Dalip Singh on the throne. According to him, "By maintaining the pageant of a throne we should leave

just enough sovereignty to keep alive among the Sikhs the memory of their nationality and serve as constant nucleus for intrigue." Again, "When I am forcibly convinced that the sovereignty of our State requires us to enforce subjection of the Sikh people, I cannot abandon that necessary measure merely because the effectual subjection of the nation involves in itself the deposition of their prince.... While deeply sensible of the responsibility I have assumed, I have an undoubting conviction of the expediency of the justice and of the necessity of my act. What I have done, I have done with a clear conscience, in the honest belief that it was imperatively demanded of my duty to the State."

The annexation of the Punjab by Lord Dalhousie has been condemned by many writers. According to Trotter, the policy of Dalhousie was "unprincipled and unjustifiable." When Diwan Mul Raj and Chattar Singh revolted, it was the duty of the British Government to suppress them. Dalhousie had no business to wait for months to allow the other Sikh elements to revolt. It was a dirty plan "deliberately adopted by the Resident and the Governor-General, contrary to the advice of the Council of Regency."

According to Bell, the annexation of the Punjab was "a violent breach of trust." Dalhousie "violated treaties, abused a sacred trust, threw away the grandest opportunity ever offered to the British Government of planting solid and vital reform up to the northern limits of India ; and by an acquisition as unjust as it was imprudent, weakened our frontier, scattered our military strength and entailed a heavy financial burden upon the Empire. That, I believe, will be the verdict of posterity and history upon the transactions which have just passed under our review."

It is pointed out that after the Treaty of Bhairowal of December 1846, the British Government had become responsible for the administration of the Punjab during the minority of Maharaja Dalip Singh who was a ward of the British Government. It was the duty of the Governor-General and the British Resident at Lahore, Sir Frederick Currie, to crush the revolts of Diwan Mul Raj, Chattar Singh and Sher Singh. They had no business to delay matters. If they failed in their duty, Maharaja Dalip Singh was not to blame. The latter had absolutely no power in his hands. It was the Khalsa army and not the Lahore Government which began the Sikh War and the Khalsa army alone should have been punished after its defeat. There was absolutely no



Maharaja Dalip Singh

justification for dethroning Maharaja Dalip Singh. He was absolutely innocent.

Some of the British officers were also opposed to the annexation of the Punjab. Sir Henry Lawrence was one of them. However, he failed to convince Lord Dalhousie. Major Edwards was also opposed to annexation. To quote him, "It was my own belief at the time that had the Multan rebellion been put down at once, the Sikh insurrection would never have grown out of it ; it was a belief shared, moreover (as well as I remember), by every political officer in the Punjab, and I for one still think so now." Again, "With respect to the Sardars, I believe them to be heart and soul on our side."

We may conclude by saying that Dalhousie's annexation of the Punjab was based on a policy of expediency and necessity. According to Bell, the Second Sikh War could have been avoided. To quote him, "I can perceive no advantage, material or moral, that has been gained by any person or class that could not have been more fully and effectually conferred and secured without annexation than with it."

After the annexation of the Punjab in March 1849, the administration of the province was put under the control of a Board of three members. Lord Dalhousie was himself to control the whole of it through the Board. After some time, the Board was disbanded. Henry Lawrence was asked to go to Rajputana as an agent for Governor-General. John Lowrence was appointed the Chief Commissioner of the Punjab. The Punjab was divided into four divisions and each of them was put under a Commissioner. The divisions were subdivided and put under the control of Deputy Commissioners and the latter controlled the Tehsildars and Naib Tehsildars. The Sikh army was completely disarmed and disbanded. Arms were taken away from the people of the Punjab. The Jagirs of the Sikh nobles were confiscated. A strong police force was raised and put under the supervision of English officers. Village watchmen were appointed. The landlords were given police powers to maintain law and order within their localities. A frontier force was raised from the tribes. The judiciary was reorganised under the supreme control of the Judicial Commissioner. Under him were the Commissioners, Deputy Commissioners, Tehsildars, etc. A code of law was prepared to give rough and ready justice to the people. Roads, bridges and canals were constructed. Agriculture was improved. Loans were given to the people for the improvement of land.

The result of all these reforms was that law and order was established in the Punjab within a short period. The people got contented. So great was the measure of their contentment that when after the lapse of eight years, the mutiny broke out in 1857, the Sikhs did not join it. On the other hand, the Sikh soldiers went to Delhi to crush the mutiny.

Suggested Readings

CHOPRA, G. L. : *The Punjab as a Sovereign State (1779-1839).*

CUNNINGHAM, H. S. : *History of the Sikhs.*

GOUGH AND INNES	:	*The Sikhs and the Sikh Wars* (1897).
GRIFFIN, L.	:	*Ranjit Singh.*
LATIF, S. M.	:	*History of the Punjab* (1891).
OSBORNE, W. G.	:	*Court and Camp of Ranjit Singh* (1840).
SINHA, N. K.	:	*Ranjit Singh* (1945).
SINHA, N. K.	:	*The Rise of the Sikh Power* (1936).

CHAPTER XIII

LORD DALHOUSIE (1848-56)

Lord Dalhousie was born in 1812 and came to India as Governor-General at the age of 35. He had entered Parliament in 1837 and acted as President of the Board of Trade in the Ministry of Peel. He was a great imperialist and did all that he could to add to the British dominion in India. He is rightly called the *builder of the British Empire* in this country. Undoubtedly, he was one of the greatest of the Governors-General of India. Neither in ambition nor in hard work, could he be defeated by any one. His eight years of office are full of important events in every field.



Lord Dalhousie

He was a great annexationist. He annexed territories for the uniformity of administration, consolidation and addition to the resources of the treasury. To quote him, "No man can deprecate more than I do any extension of the frontiers of our territory which can be avoided or which may not become indispensably necessary for considerations of our own safety, and of the maintenance of tranquillity of our provinces. But I cannot conceive it possible for any one to dispute the policy of taking advantage of every *just opportunity* which presents itself for consolidating the territories which already belong to us by taking possession of States which may lapse in the midst of them ; for thus getting rid of those petty intervening principalities which may be made a means of annoyance, but which can never, I venture to think, be a source of strength ; for adding to the resources of the public treasury ; and for extending the uniform application of our system of Government to those whose best interests we sincerely believe, will be protected thereby."

Conquests of Dalhousie—Punjab (1849). The First Sikh War was fought in the time of Hardinge and the Second was fought in the time of Lord Dalhousie. The real cause was that although the Sikhs were defeated in the First War, their power was not

crushed and they were determined to have revenge for their previous defeat.

Mul Raj, the Governor of Multan, revolted and put to death the English officers who were sent there. For many reasons, Lord Dalhousie did not interfere at once. He wanted the Lahore Durbar to take action. Moreover, he preferred to take action against the rebels after the rainy season. Two important battles of the Second Sikh War were those of Chilianwala and Gujrat. The first was a drawn battle and the second was decisive. The Sikhs were completely defeated and they laid down their arms. The Punjab was annexed in March 1849. Dalip Singh, the Sikh Maharaja, was given a pension. The Punjab was put under a Board of three Commissioners. However, the Board was abolished later on and Sir John Lawrence was appointed Chief Commissioner. It was he who was responsible for the settlement of the province.

Second Burmese War (1852). The real cause of the Second Burmese War was the det rmination of Dalhousie to exclude all European powers from Burma. He could not tolerate the idea of France or any other country capturing any part of Burma. However, he got an excuse to interfere into the affairs of Burma.

Under the Treaty of Yandaboo, the English Merchants were allowed to settle in Burma and carry on trade. As their commercial rights were not defined precisely, each party interpreted them in its own way. The English merchants had their grievances but they stuck on to the trade on account of the high profits made by them.

The imperialist character of Dalhousie encouraged the English traders to appeal to him for the removal of their grievances. They sent him a long petition in which they narrated all the wrongs suffered by them. Dalhousie welcomed the petition as a God-sent. He declared that the Treaty of Yandaboo had been violated and the Burmese Government must pay damages for the wrongs done to the Englishmen. Commodore Lambert was sent to Rangoon for this purpose. On account of the behaviour of Lambert, the Burmese Government could not satisfy the demands of the Government of India. The result was that there was the exchange of guns and the Second Burmese War started. Even before the declaration of war, a British force was sent under General Godwin. Martaban was taken, Rangoon and Bassein also fell into the hands of the English. Later on, Prome was occupied. Thus, the British were able to bring the whole of lower Burma under their control. Negotiations were started but no treaty was signed. Lord Dalhousie declared the annexation of Pegu by a Proclamation issued in 1852. According to Arnold, "The Second Burmese War was neither just in its origin nor marked by strict equity in its conduct or issue." Dalhousie's view was that the annexation of Pegu was "unavoidably demanded by sound views of general policy." Again, "Although this conquest be an evil it will not be an evil altogether without mitigation. If conquest is contemplated by me now, it is not a positive good but solely as the least of those evils before us from which we must of necessity select one."

Doctrine of Lapse. The name of Dalhousie is famous for his application of the Doctrine of Lapse in very many cases. However, it is wrong to say that he was the creator of this doctrine. The Directors of the English Company had declared in 1834 that permission to adopt on the failure of natural heirs "should be the exception and not the rule, and should never be granted but as a special mark of favour or approbation." It was declared in 1841 that every effort should be made to abandon "no just and honourable annexation of territory or revenue." The only thing done by Dalhousie was that he employed the Doctrine of Lapse in as many cases as possible. The basis of the Doctrine of Lapse was that as the English Company was the paramount power in India, the dependent States could not pass to the adopted son without the sanction of the paramount power and the latter had the right to withhold the sanction.

It has been contended that Dalhousie applied the Doctrine of Lapse only to dependent States. However, no precise distinction was drawn between independent, allied, dependent and subordinate States. The omission might have been intentional. The result of this was that any State could be annexed by merely stating that it was a dependent State although there was nothing to prove that. It is well-known that Dalhousie annexed Karauli on the ground that it was a dependent State. He was over-ruled by the Directors on the ground that it was a protected ally and not a dependent State. No wonder, Sir John Strachey came to the conclusion that the distinction between dependent and allied States was mythical.

Lord Dalhousie wrote thus on the subject: "I take occasion of recording my strong and deliberate opinion that in exercise of a wise and sound policy, the British Government is bound not to put a side or neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves, where they arise from the lapse of subordinate States, by the failure of all heirs of every description whatsoever or from the failure of natural heirs, where the succession can be sustained only by the sanction of the Government being given to the ceremony of adoption by Hindu law." Lord Dalhousie applied the Doctrine of Lapse in the case of Satara in 1848, Jaitpur and Sambhalpur in 1849, Baghat in 1850, Udaipur in 1852, Jhansi in 1853 and Nagpur in 1854.

As regards Satara, its Rajah died in 1848 without leaving any natural son. However, he adopted a son before his death Dalhousie declared the adoption as invalid because his sanction was not taken. The Court of Directors declared that "By the general law and custom of India, a dependent principality like that of Satara cannot pass to an adopted son without the consent of the paramount power ; that we are under no pledge direct or constructive to give such consent ; and that the general interest committed to our charge is best consulted by withholding it." According to Arnold, the annexation of Satara was "a rich but not a lawful prize." It is wrong to maintain that the State of Satara was a British creation. The English Company entered into a treaty with Satara in 1819 with a view to conciliating the Marathas. The treaty was made between

the two powers on the basis of equality. No amount of quibblings can justify the action of Dalhousie.

As regards Nagpur, its Rajah died in 1853. He did not adopt any son before his death. However, he had directed his queen to adopt a son. Under the Hindu law, such an adoption is perfectly valid. The Rani adopted Yaswant Rao. However, instead of recognising Yaswant Rao as the adopted son of Rajah of Nagpur, the British Resident took possession of the territory. It was declared that on account of the absence of legal heirs, the State lapsed to the English Company. According to Dalhousie, the case of Nagpur "stands wholly without precedent. We have before us no question of inchoate or incomplete or irregular adoption. The Rajah has died and has deliberately abstained from adopting an heir. His widow has adopted no successor. The State of Nagpur conferred by the British Government in 1818 on the Rajah and his heir has reverted to the British Government on the death of the ruler without any heir. Justice and custom and precedent leave the Government wholly unfettered to decide as it thinks best. Policy alone must decide the question." According to Arnold, "The real law by which Nagpur was added to the British Dominion was, it must be pronounced, the old, but not on that account more respectable, the law of the strongest."

As regards Jhansi, it was given by the Peshwa to the English in 1817. In the same year, Lord Hastings put Rao Ramchandra on the throne of Jhansi and by a treaty guaranteed the right of succession in perpetuity. Rao Ramchandra died in 1835. His adopted son was not recognised and Raghunath Rao was put on the throne. The latter died in 1838 and was succeeded by Gangadhar Rao who also died in 1853 without leaving any child behind. Before his death, he adopted Anand Rao as his son and requested the English Company to recognise him as such. Dalhousie refused to recognise him and annexed the State. Rani Laxmibai of Jhansi had her revenge in the mutiny.

Annexation of Berar (1853). Dalhousie annexed Berar in 1853. The reason was that the Nizam owed a lot of money to the English Company on account of the charge of the contingent forces. As the Nizam had not made payments, the debt reached the figure of £780,000. A new treaty was made with the Nizam by which he gave Berar to the English for the maintenance of the contingent force and the payment of the debts.

Anglo-Oudh Relations (1765-1856). Before referring to the annexation of Oudh in 1856 by Lord Dalhousie, it is desirable to refer to the relations of the rulers of Oudh with the English Company from 1765 to 1856. It has already been pointed out that the Nawab Wazir of Oudh was defeated in 1765 in the battle of Buxar and taken prisoner along with Shah Alam. British troops also marched into Lucknow. The whole of Oudh was at the mercy of the British troops. In spite of this, Lord Clive decided to restore to the Nawab of Oudh his conquered territories. He was made to part with only Kora and Allahabad. These districts were given to Shah Alam to maintain his dignity. Lord Clive followed a buffer State policy towards Oudh.

In 1773, Warren Hastings got back Kora and Allahabad from the Mughal Emperor who had gone over to the side of the Marathas. Both these districts were sold to the Nawab of Oudh for Rs. 50 lacs. The Nawab of Oudh got British help in the Rohilla war and annexed Rohilkhand. In January 1775, a new treaty was imposed by the anti-Hastings majority in the Council on the new ruler of Oudh. The Nawab was forced to give up the sovereignty of Banaras. He was also made to agree to the increase of the subsidy to be paid for the British troops. It is well-known that Warren Hastings was instrumental in the mal-treatment of the Begums of Oudh. He has been rightly condemned for his attitude. His conduct was absolutely high-handed.

In the time of Cornwallis, the Nawab requested the English Company to relieve him of the expense of the British troops in Oudh. There were two brigades in Oudh at that time. One of them was a permanent brigade of Kanpur and the other was known as the temporary Brigade stationed at Fategarh. The Nawab appealed again in 1781 and 1784 for the withdrawal of the temporary Brigade. Although Cornwallis did not grant the request of the Nawab in full, he reduced the subsidy to Rs. 50 lacs a year.

In 1797, Sir John Shore intervened in a disputed succession in Oudh. He put Sadat Ali on the throne and made a new treaty with him. By the new treaty, the English Company became responsible for the defence of Oudh in return for an annual tribute of Rs. 76 lacs. The Allahabad fort was given to the English Company. It was also provided that there was to be no increase in the subsidy except in the case of necessity. The Governor-General was given the discretion to add to the troops in the case of necessity.

When Lord Wellesley came as Governor-General, the condition of Oudh was deplorable. It administration was a byword for inefficiency, corruption and oppression. The problem was a complicated one. While inefficiency and corruption demanded action, the loyalty of the Nawab to the English Company did not allow the English to intervence effectively. Moreover, the Nawab paid regularly and punctually the instalments of the subsidy. Although the amount already paid by the Nawab was too much for his paying capacity, Lord Wellesley demanded the increase of the British troops in Oudh and also demanded an increase in the subsidy.

Lord Wellesley made further demands on the Nawab. First of all, the Nawab agreed and then withdrew his consent. He even agreed to abdicate on the condition that his son was allowed to succeed him. The British Government did not accept his offer. British troops were ordered to march into Oudh and the Nawab was ordered to find money for paying them.

The read desire of Wellesley was to force upon the Nawab the cession of territory in lieu of revenue payments. Consequently, the Nawab was confronted with entirely new demands. He was either to cede the whole of his dominions retaining only a nominal sovereignty or cede as much territory as would yield revenue equal to the subsidy to be paid for. Practically, half of the Nawab's domi-

nions were annexed by Wellesley. The treaty was signed in November 1801 and the territory surrendered was Rohilkhand and the Lower Doab.

The result of Lord Wellesley's policy was that Oudh was entirely surrounded by British territory except on the north. The policy of maintaining Oudh as a buffer State was given up. With regard to the territory left in the hands of the Nawab, he was required to act in accordance with the direction of the Company. It cannot be denied that the ceded territory was violently and compulsorily snatched away from the Nawab. The introduction of additional troops into Oudh was a violation of the existing treaties.

"It has been said that the Oudh action was the most high-handed of all Wellesley's despotic actions. He would hardly have denied all this but he would have justified it. The tangle of conflicting interests could only be cut by the sword, and he did not hold the sword in vain."

In the time of Lord Hastings, the Nawab of Oudh paid huge sums of money to the English Company towards the expenses incurred by the English Company in the Gurkha War. It was contended that the Nawab should pay because the defeat of the Gurkhas had added to his security. As an appreciation of the contribution made by the Nawab, the latter was allowed by the English Company to assume the title of king. However, this outraged the Muslim loyalty to the Mughal Emperor. Leonard says in *Cambridge History of India* that "in the Governor-General's opinion this act would benefit the British Government by causing a division between these important leaders of Mohammedan community. It also met with approval of all experienced British officials."

William Bentinck tried to fill his empty treasury from Oudh. He visited Lucknow and warned the king that "unless his territories were governed upon other principles than those hitherto followed and the prosperity of the people made the principal object of his administration, the precedents afforded by the principalities of Carnatic and Tanjore would be applied to the kingdom of Oudh and the entire management of the country would be assumed by the Company, and the king would be transmitted into a State prison."

In the time of Lord Auckland, Nasir-ud-Din died in 1837 under very suspicious circumstances. The Dowager Queen put a son on the throne. However, the English put Mohammed Ali Shah as its ruler. A new treaty was made with Mohammed Ali Shah in 1837 by which the English Company got the right of assuming the management of the Company in the case of gross misrule. He also agreed to pay Rs. 16 lacs for the maintenance of an auxiliary force. This treaty was disallowed by the Directors of the English Company and the Governor-General was directed to inform the ruler of Oudh accordingly. Unfortunately, Lord Auckland did not communicate this fact to the ruler of Oudh. The latter was merely informed that he would not have to pay for the auxiliary force. It was an act of treachery on the part of a Governor-General and he should not have gone so low in his action. The result was that the King of Oudh

and many others remained under the impression* that the Treaty of 1837 was in force. This Treaty was included in Government publications and was referred to by Sir John Lawrence in 1844. Lord Hardinge also referred to the Treaty of 1837.

Lord Dalhousie was determined to deal with Oudh in a very effective manner. The Government of Oudh was rotten and openly so. The country would have been annexed long ago but for the consistent loyalty of the king.

In 1848, Sleeman was sent to Lucknow by Dalhousie as a Resident to undertake the reconstruction of an oppressed country. In 1849, he was instructed to make a tour and report on the conditions prevailing in the country. Sleeman reported that the people killed their female children and buried them alive. Louckow was in perpetual turmoil of processions, illuminations and festivities. The only companions of the king were fiddlers and buffoons. The ambition of the king was limited to the reputation of being known as the best drum-beater, dancer and poet of the day. Most of his associates were outcastes from the low classes. The king was always in need of money and used the military aid to squeeze as much as he could. The peasantry grew swift-footed. The governing classes had no sympathy for the subjects and the latter suffered terribly under the tyranny of the officials. The officials took delight in plundering the peasants.

Although the condition of Oudh was far from satisfactory, Sleeman was apposed to the annexation of the country. His view was that "the annexation of Oudh would cost the British power more than the value of such kingdom and would inevitably lead to a mutiny of the sepoys." Moreover, the native States were "the breakwaters, and when they are all swept away, we shall be left to the mercy of our native army which may not be always sufficiently under control." Sleeman stressed the educational value of the native States in so far as they afforded an opportunity to those Indians "whose habits unfitted them to become humbler and accept low jobs and swagger with their sword and matchlock in the States." In 1851, Lord Dalhousie himself journeyed on the borders of Oudh and he tells us that he heard the use of heavy cannon for the purpose of collecting revenues by the servants of the king. In spite of this, Dalhousie hesitated to take action.

In 1854, Sleeman was replaced by Outram as Resident. The new Resident reported that the administration of the country was an orgy of massacre and corruption set to music.

Lord Dalhousie's recommendation was that while the King of Oudh be allowed to retain his title, the entire administration of the country be vested in the Company in perpetuity. On account of the consistent loyalty of the King, Dalhousie did not recommend his forcible abdication and annexation of his territory. The members of the Executive Council of Lord Dalhousie were divided with regard to the future of the Oudh. The majority was opposed to Dalhousie's views. In January 1856, Dalhousie got the orders of the Directors with regard to the future of Oudh. He was to offer to the King a

kind of Vatican sovereignty, the tittle of king, adequate funds and full jurisdiction short of death over Lucknow palace parks. Outram was sent back to Lucknow and a brigade followed him. The king refused to accept the new position and was deposed. He was sent to Calcutta. In justification of the act, Lord Dalhousie wrote thus : "The British Government would be guilty in the sight of God and man if it were any longer to aid in sustaining by its countenance an administration fraught with suffering to millions." The Indians do not seem to have cared for the material gains which followed in the wake of the annexation of Oudh. They preferred their own misrule to the strict rule of the British with the insolence of the Chaprasis and other petty officials.

The annexation of Oudh created a feeling of awe and despair in the minds of the rulers of the Indian States. They began to fear their safety. They could say to themselves :

"Another year, another deadly blow,
Another mighty Empire overthrown.
And we are left, or shall be left alone."

Sleeman's opinion was that annexation of Oudh was a political blunder. According to him, the English used their giant's strength like a giant and injured their reputation in the eyes of the Indians. During the mutiny, the sepoys of Oudh brought about havoc and added to the difficulties of the British. It has rightly been maintained that the forced abdication of Wajid Ali Shah and the annexation of Oudh were offences against good faith and public conscience.

Wajid Ali Shah (1822-1857)

The character of Wajid Ali Shah, the last ruler of Oudh, demands a detailed treatment. He was born in 1822 and he ascended the throne in 1847 at the age of 25. He was jolly and good-natured and the gayest of the gay rulers. He studied Persian, rode horses, shot tigers, started loving at an early age and also composed love poems in Urdu. All efforts to train him as a ruler failed.



Wajid Ali Shah

He was a man of high tastes. He loved architecture. He had a flair for landscape gardening. Under his inspiration, the Nuzurbagh garden was constructed with canals on two sides from which fountains played. He planned and supervised the construction of three palaces, one for summer, one for winter and one for the rainy season. However, the supreme passion of his life

was *Ishq* or love. He surrounded himself with *Paris* or fairies and put them all in a special palace called *Parikhana*. They were handsomely paid and richly dressed and they were his special property. He sang and danced with them. He held inquiries into their petty thefts. He watched over their loyalty and turned out anyone whom he did not like. The *Parikhana* was guarded by a band of women who were trained to carry out his commands. *Ishqnama* or the Diary of Wajid Ali begins thus : "The Lord of the world has bestowed the taste of love on every human being, and everyone has had his growth in the ever-blooming garden of love. Hence, I too have been nourished with the spring and flowers of love. And as I got this woe of love from the very beginning, I have noted down my own tale of romance and love from the beginning up to the present time."

From the time of his succession to the throne, Wajid Ali Shah did not show any interest in the administration of his territory. He was raw, impulsive and irresponsible. He did things in a hurry and later on repented for having done so. There are many interesting stories about the follies of the ruler. It is stated that once upon a time, a complaint was made to him that a particular Jain jeweller had sacrificed a Brahmin boy while building a temple of Parsnath. Without making any enquiry, the temple was demolished. There were protests and ultimately Wajid Ali Shah admitted that he had absolutely no administrative experience and that was why the mistake had been made. The house of the officer who was responsible for the trouble was pulled down. It is also stated that once upon a time when his Chief Minister was going to see him, he was caught by four ruffians and he was not let off till they were paid Rs. 50,000 as ransom.

Wajid Ali Shah had a command of the Persian language and he was also a master of Urdu. He wrote over 100 books in those languages. His poems fill several big volumes. He was an expert in music. He was the greatest patron of Indian music and dance of his time. Music and dance were the breath of the *Parikhana* and its master was the patron of the well-known Lucknow Thumri. Wajid Ali was also fond of drama. His troupe consisted of 361 persons, out of which 84 were women. Their total salary amounted to Rs. 11,859 per month.

Wajid Ali was the father of modern Urdu stage. Amanat, the well-known Urdu poet of Lucknow, wrote his famous *Inder Sabha* under his patronage.

As the administration of Oudh was not efficient, Lord Dalhousie gave Wajid Ali Shah a warning. The king was so much affected that he left the whole administration in the hands of the Resident and himself joined the company of poets, eunuchs, musicians and dancers. His companions took the law into their own hands. They robbed the people of their money and set free their friends from jails. When the Resident gave him a warning, Wajid Ali entered into an agreement by which it was agreed that 'eunuchs, singers, and other improper persons should not be employed, either directly or

indirectly, nor would they interfere with the matters of administration."

Wajid Ali Shah was surrounded by gay persons His ministers lacked ability and character. The officials were corrupt and quarrelsome. The landed aristocracy had no respect for the court. The Resident wanted an efficient government but nobody knew what efficiency was.

In Ayodhya, there was a shrine of Hanuman called Hanumangarhi. This shrine was under the charge of Bairagis. Some Muslims forcibly entered the shrine and offered prayers. English troops intervened to stop the trouble which was taking the shape of a Jehad.

By the end of 1855, the administration of Oudh had completely collapsed, but Wajid Ali Shah continued to play Krishna to his *Paris*. The peasantry groaned. The communal situation was unsatisfactory. The patience of the Governor-General was exhausted. On 23rd January 1856, General Outram was directed by the Governor-General to take over Oudh. The Resident was ordered to get a treaty signed from Wajid Ali Shah and if the latter refused to do so, the Resident was to take over the administration. On 30th January 1856, the Resident conveyed his directions to the Minister. The king expressed his desire to discuss the matter with the Resident. The Resident declined to do so but conveyed his instructions to the mother of the king.

On 4th February 1856, when General Outram went to see Wajid Ali, he found the palace deserted and surrounded by gloom. The guards had laid aside their arms and removed their turbans. The artillery had been dismantled. When Outram presented the letter of the Governor-General to Wajid Ali, his innocent question was : "What wrong have I committed ?" The Resident assured the king that the Government had provided for his maintenance, honour and dignity. The king read the treaty and asked : "Who am I now ? Treaties are necessary only between equals. Who am I now that the British Government should enter into a treaty with me ? The kingdom is the creation of the British. They have to issue the commands to ensure their fulfilment." And then he added, "I am not in a position to sign the treaty. I would not even ask for maintenance. Let me go straight to England and throw myself at the feet of the British throne for mercy."

On 5th February 1856, Wajid Ali Shah discharged all his troops. On 7th February 1856, he finally refused to sign the treaty and consequently the Resident took over the administration of Oudh as Chief Commissioner.

When Wajid Ali Shah left Lucknow, thousands of persons accompanied him. In spite of all his failings, he was loved by the people of Lucknow. The parting scenes were pathetic. Every one shed tears. It was thus that Wajid Ali Shah disappeared from the scene. He died on September 1, 1857. One may feel pity for him but probably he got what he richly deserved.

Abolition of titles and pensions. Dalhousie was not content with the annexation of territories. He also tried to abolish titles and pensions. The first victim of his policy was Dhondu Pant or Nana Sahib who was the adopted son of Peshwa Baji Rao II. Baji Rao had been given a pension of Rs. 8 lacs a year. He adopted Nana Sahib as his son and asked for the recognition of the Company. Baji Rao died in 1852 and Lord Dalhousie rejected the claim of Nana Sahib. According to Sir John Kaye, the action of Dalhousie was harsh. Arnold described it as grasping.

In 1855, the *Nawab of Carnatic* died without leaving any male issue. Azimjah was the heir and he applied to the Madras Government for recognition The view of the Governor was that the title and pension were personal and "the semblance of royalty without power is mockery of authority which must be pernicious—that it is impolitic and unwise to allow pageant to continue which, though it has been politically harmless, may at any time become a nucleus for sedition and agitation." Lord Dalhousie endorsed the views of the Madras Governor in these words : "I entirely agree with Lord Harris in holding that the treaty of 1801 confers no right of hereditary succession. It is purely a personal treaty....There is no mention of heirs and successors in any part of the treaty and no grant of anything is made by it of any one except to the Nawab Azim-ud-Dowla himself."

The *Rajah of Tanjore* died in 1855 and left a widow and two daughters. He was a king without a kingdom and enjoyed a pension and some jagirs. Consequently, on the death of the Rajah, Dalhousie stopped the pension and confiscated the jagirs. The case went to the Privy Council and was decreed in favour of the Company. Lord Kingsdown made the following observations in his judgment. "It is extremely difficult to discover in these papers any grant of legal right on the part of the East India Company...to the possession of this Raja, or of any part of the property of the Raja on his death. The Raja was an independent sovereign of territories undoubtedly minute and bound by treaties to a powerful neighbour, which left him, practically little power of free action, but he did not hold his territory such as it was, as fief of the British Crown, or of the East India Company, nor does there appear to have been any pretence for claiming it on the death of the Raja without a son, by any legal title, either as an escheat or as *Bona Vacantia.*"

Administrative Reforms of Dalhousie. Lord Dalhousie carried out many reforms in various fields. The keynote of his reforms was centralisation. The object of the reforms was to gather all the threads of power into his own hands. Dalhousie organised the non-regulation system to meet the new needs of the Indian Empire. Under this system, the administration was to be carried on by a Commissioner who was to be responsible directly to the Governor-General-in-Council. Its chief merit was economy of personnel. It did not make any distinction between civil and military government. The District Magistrate was given all the powers in various fields. The unfortunate effect of this system was that it demoralised the people.

Military Reforms. Lord Dalhousie carried out a large number of reforms in the military field. He started the general movement of troops from Bengal towards the west. The headquarters of the Bengal artillery were shifted from Calcutta to Meerut. The Army Headquarters were gradually shifted to Simla. He also started the policy of reduction, disintegration and distribution. He encouraged the enlistment of Gurkha regiments in the Indian army. He raised a new irregular force in the Punjab. He asked the home authorities to increase the number of British troops in India so that there might be no possibility of revolt by the Indian troops. Dalhousie was always afraid of a conspiracy among the Indian troops.

Telegraphs and Railways. These two departments got a great impetus from Dalhousie. Their development was considered to be necessary from the point of view of the defence of the Indian Empire and also for the encouragement of British investments in India. He entered into contracts with English corporations for the construction of railways. All kinds of facilities were given to them for construction work. They were also guaranteed interest by the Government irrespective of the profits. A few strategic lines were constructed at an enormous cost to the Indian revenues, but this helped the English capitalists to make huge profits. Telegraph wire linked up the various parts of India and this fact helped the English a great deal during the mutiny.

Commercial Reforms. In the interests of the British traders and manufacturers, Lord Dalhousie followed the policy of free trade. All ports of India were declared free. Improvements were made in lighthouses and harbours. All hindrances in the way of the flow of goods and capital were removed. All the coastal trade of India fell into the hands of English capitalists. This led to the economic exploitation of the country.

Public Works Department. Before Dalhousie, the Military Member was in charge of the Public Works Department. The work on the civil side was neglected. Consequently, Lord Dalhousie appointed a commission in every Presidency to report on the state of affairs. The result was that public works were withdrawn from the control of the Military. A separate Public Works Department was started in every Presidency and its important officers were the Chief Engineer and Executive Officers. They were all imported from England. The reorganised Department of Public Works took up the task of constructing roads, canals and bridges.

Postal System. Dalhousie also removed the defects in the postal system. He reorganised the system on the recommendations of a commission. He started a uniform rate of half anna for letters not exceeding half a tola in weight for the whole of India. The sender of the letter was to pay the charges in the form of stamps. Dalhousie's reforms removed corruption from the Postal Department.

Wood's Dispatch of 1854. Sir Charles Wood, President of Board of Control, sent his famous dispatch on education. According to this dispatch, education was entitled to the first claim of the Government. At the apex of the educational structure were to be universi-

ties on the model of the London University in the Presidencies. These universities were to be merely examining bodies and not teaching institutions. Colleges were to be affiliated to the universities and were to provide education for intermediate and degree classes. There were also to be high schools and Anglo-vernacular schools. Their medium of instruction was to be the vernacular of the province. Private enterprise in the field of education was to be encouraged by the Government. There was to be a Director-General of Education for the whole of India. Education was to be entirely secular. Universities were established in 1857 in Bombay, Calcutta and Madras.

Dalhousie's Responsibility for the Mutiny. Dalhousie left India in 1856 and the mutiny broke out in 1857. Naturally, the critics attributed the mutiny to the acts of omission and commission of Lord Dalhousie. It was stated that Lord Dalhousie was in a hurry to annex States to the Indian Empire. He should have been more considerate towards the sentiments of the Indians. It is true that the various annexations and conquests brought more money into the coffers of the English Company, but it cannot be denied that they created the unfortunate impression that the territory of no Indian prince was safe. It was feared that the unscrupulous Government of the Company was ready to find out an excuse for whatever it did. The people lost faith in the sense of justice of the English. The application of the Doctrine of Lapse made matters worse. It created a large number of discontented persons who were ready to avail of any opportunity to hit back against the English Company. No wonder, Rani Jhansi brought about havoc. Likewise, the refusal to pay the pension to Nana Sahib turned him into a bitter enemy. The abolition of pensions of the Raja of Tanjore and the Nawab of Carnatic was unfortunate. It was during his time that a very large number of British troops were sent to fight in the Crimean War. The proportion of the British troops as compared with the Indian troops became very low. Lord Dalhousie asked the Home Government to fill in the gap, but the same was not done in spite of many reminders. The result was that when the mutiny broke out, the Indian soldiers found themselves in a very advantageous position on account of the shortage of British troops in India. However, for this not Dalhousie but the Home Government was to blame.

Dalhousie himself was not in favour of the annexation of Oudh. He was over-ruled by the Directors in this matter and it is they who should share the blame for its annexation.

Dalhousie carried out his reforms with the best of motives but every move of his was suspected. It was feared that every effort was being made by the Indian Government to convert the people to Christianity or otherwise to injure their sentiments.

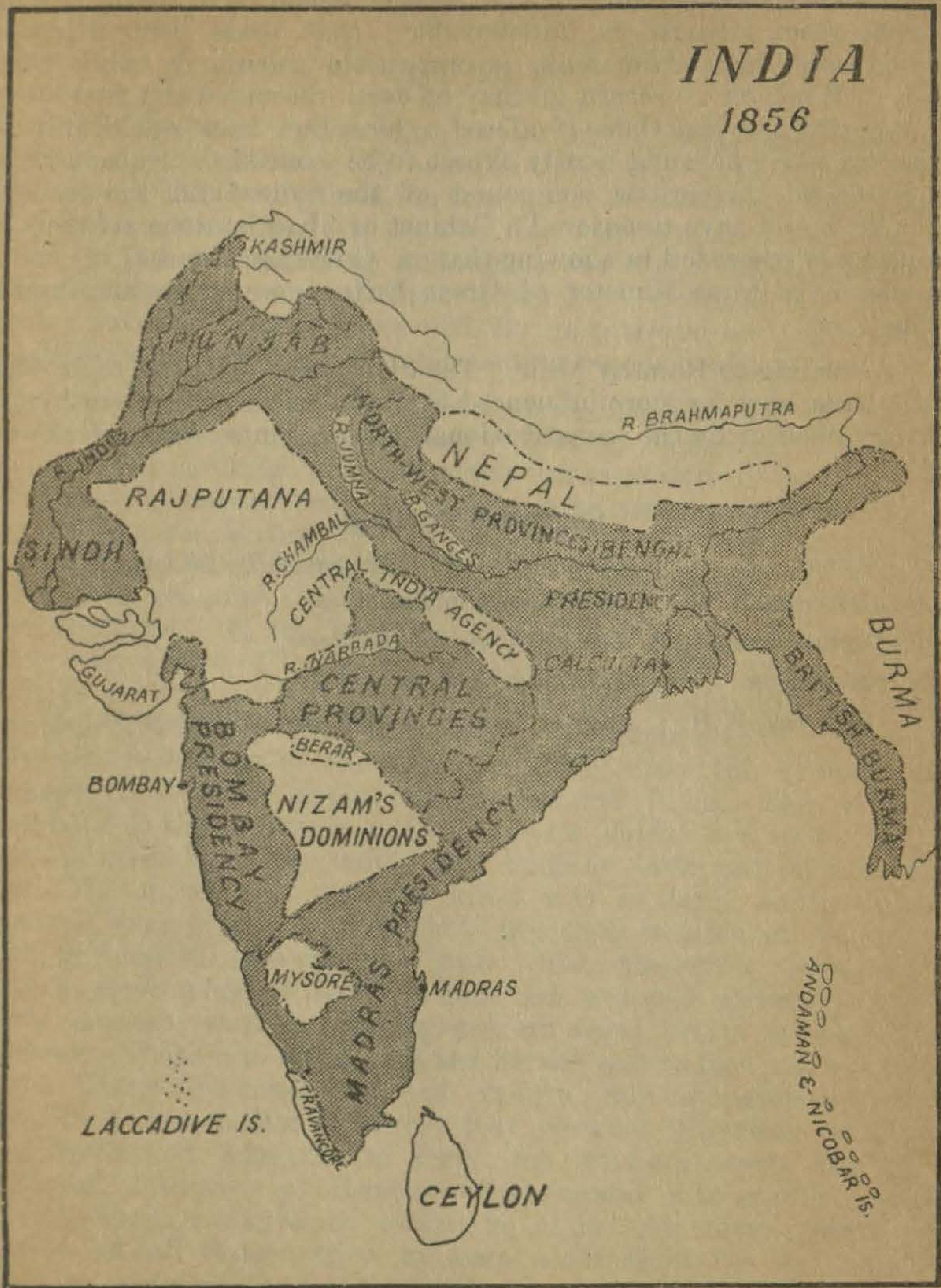
On the whole, we may say that Lord Dalhousie was partly responsible for the mutiny of 1857. His policy towards the Indian States created a sense of despair among the Indian Princes and that led to revolt. He should have tried to carry his people with him and also avoid all those measures which could in any way create misunderstanding and suspicion in the minds of the innocent Indians.

Continued Sickness of Dalhousie. Dalhousie suffered throughout his Indian career from an ill-health that was partly responsible foy his fretfulness and which also made his manifold exertions trulr heroic. He wrote in July 1849 that he was broken in health when he started from England and he landed in Calcutta an invalid and almost a cripple. As time passed on and Dalhousie strained himself under the stress of circumstances, he became a prey to a lamentable combination of maladies. He practically lost his voice. He became lame in the right leg and thus developed inside an open and incurable sore of the shin-bone. There were frequent attacks in the head and many other subsidiary ailments. Dr. Alexander Grant who was the surgeon of Dalhousie in India has written a faithful account of the sufferings and ailments of Dalhousie. On every day of the eight years which he spent in India, the life-blood of Dalhousie was drop by drop being drained away.[1]

Estimate of Dalhousie. According to Lord Curzon, Lord Dalhousie left a mark upon India inferior to none of his predecessors and acquired "a reputation second only to that of Warren Hastings. The career of Dalhousie did, indeed, provoke at the time and has ever since aroused, though in a diminishing degree as time has proceeded, a controversy that recalls the fate of his famous predecessor. The formidable fighters of Gough and Napier, whom he encountered and overthrew, the forceful personality of the two Lawrences, whom he alternately conciliated and coerced, the tremendous sweep of his territorial acquisitions, and the range of his administrative reforms, the masterful character of the man himself and the appealing nature of the convulsion with which India was shaken to its foundations almost immediately after his retirement, and which might, not without plausibility, be in some measure regarded as the consequence of his rule—all of these combined to make the reign of Dalhousie a theme of legitimate and even embittered disputation which did not die down till long after the subject of the controversy, at once too ill and too proud to defend himself, was in the grave. The protagonists in this furious polemic, Sir John Kaye and Edwin Arnold on the one side, the Duke of Argyll and Sir Charles Louis Jackson on the other, filled the arena with their vehement denunciation of defence. Later, the ranks of the defenders were strengthened by the powerful aid of Captain L. J. Trotter, Sir William Hunter, and Sir Richard Temple, while the biographer of Sir John Lawrence held a midway position between. Dalhousie himself looked for his vindication to the subsequent publication of his own papers and correspondence, although, with a self-restraint that perhaps had in it more of dignity than of wisdom, he left in his will a direction that no portion of his private papers should be made public until at least fifty years after his death." Again, "As an Imperial administrator, Dalhousie was not inferior to the greatest of the great men whose genius for organisation has built the British Empire in the East. He was splendid in his organisation of war,

1. The fiery soul, which working out its way,
Crippled the puny body to decay,
And o'er informed its tenement of clay.

an Abraham Lincoln in the Orient. But he was even more splendid in his organisation of peace ; and no sooner had he annexed a Pro-



vince or confiscated a State than his plans for the new regime, elaborated in the most minute detail, were ready, and he began to erect the new structure almost before the debris of the old had been removed. Whether such a man, after his eight years of Indian autocracy, would ever have bent his neck to the yoke of official life in England, even though he had excelled it in his pre-Indian career, is more than doubtful. He himself again and again repudiated both the capacity and the desire. Public life on a lower plane than that on which he had moved, and on what he considered the

sordid stage of British politics, possessed for him no attraction. Whether the retention or the recovery of health would have altered his attitude it is impossible to say ; that he would have been willing to rust from idleness, is unbelievable ; that some form of public service would have claimed his incomparable talents is more than likely. While on his return journey he even discussed the possibility of accepting the War Office if offered to him, but this would only be on terms which he could hardly expect to be conceded ; since he was, he confessed, 'a curious compound of the radical and the despot.' That he would have re-entered a Cabinet or, had he done so, that he would have succeeded in showing that a Governor-General of India can also be a Prime Minister of Great Britain seems to me improbable."

According to Ramsay Muir, "The distinctive features of modern India have been far more influenced by Dalhousie's work than by the Mutiny itself or by the constitutional adjustments which followed it."

Suggested Readings

Arnold, E. : *Dalhousie's Administration of British India* (1861).

Hunter, W.W. : *The Marquis of Dalhousie.*

Lee-Warner : *Life of Marquis of Dalhousie.*

Malleson : *The Indian Mutiny of 1857.*

Sleeman, W.H. : *Journey Through the Kingdom of Oudh* (1885).

CHAPTER XIV

THE MUTINY

Its Character.[1] There are two main views regarding the character of the Mutiny. Sir John Lawrence was of the opinion that the Mutiny had its origin in the army and its cause was the greased cartridges and nothing else. It was not attributable to any antecedent conspiracy whatsoever, although it was taken advantage of by the mutineers to increase their numbers. According to Sir John Seeley also the Mutiny was a "wholly unpatriotic and selfish sepoy mutiny with no notive leadership and no popular support."

However, Outram was of the opinion that the Mutiny was the result of a Mohammedan conspiracy making capital of Hindu grievances. The cartridge incident merely precipitated it before it was thoroughly organised and before adequate arrangements were made for making the Mutiny a first step towards popular insurrection. The Indian nationalists also describe the Mutiny as a War of Independence. Savarkar wrote his famous book called "War of Indian Independence." In this book, he tried to show as to how the Mutiny was really a War of Indian Independence. Ashoka Mehta has also pointed out to the national character of the Mutiny in his booklet entitled "1857, The Great Rebellion." He admits that the sepoys were the mainstay of the rebellion. They bore the brunt of the struggle to break the chains that imprisoned India. They gave the backbone to the resistance and became its shield and spear. However, besides the sepoys, millions of Indians took part in the rebellion. The number of civilians killed was as large as that of the sepoys. They joined the struggle to free their country and to redress their grievances. The rapidity with which the revolt spread shows that in some areas, at least, the rebellion enjoyed strong mass support. At many stations, the sepoys were egged on to action by the citizens. Those who sided with the British had to face social ostracism. Those who could not join openly, non-co-operated with the British. It is a matter of history that General Havelock could not get boats and boatmen to ferry his soldiers across the river. Although labourers at Kanpur were pressed into service by the British, they managed to escape at night. At many places, the natives of all classes tried to keep aloof from the British. The decisive evidence showing the national character of the rebellion is the note of communal harmony it struck in both the Hindus and Muslims. Even the British Government found it difficult to separate the two communities. The Mughal Emperor prohibited cow-slaughter throughout the country to conciliate the Hindus. In a

1. "The Mutiny may be considered either as a military revolt or as a bid for recovery of their property and privileges by dispossessed princes and landlords or as an attempt to restore the Mughal Empire or as a peasant war."

letter to the Rajas of Rajputana, the Mughal Emperor wrote thus : "It is my ardent wish to see that the Feringi is driven out of Hindustan by all means and at any cost. It is my ardent with that the whole of Hindustan should be free. But the Revolutionary War that is being waged for the purpose will not be crowned wish success unless a man capable of sustaining the whole burden of the movement, who can organise and concentrate the different forces of the nation and will unify the whole people in himself, comes forward to guide the rising. I have no desire left of ruling over India after the expulsion of the English for my own aggrandizement. If all of you native Rajas are ready to unsheath your sword to drive away the enemy, then I am willing to resign my imperial powers and authority in the hands of any confederacy of native princes who are chosen to exercise it."

The Hindus also responded to the offer of the Muslims. Nana Sahib declared his allegiance to the Mughal Emperor. It was only after the fall of Delhi that the Sikhs joined the British army in large numbers. All this shows that the Mutiny was a national rising, although on a limited scale.

Prof. P. E. Roberts accepts the point of view of John Lawrence and Seeley. According to him, the Mutiny was mainly military in origin but it occurred at a time when for various reasons there was social and political discontentment in the country and the mutineers took advantage of the same. According to Thompson and Garratt, it is poor compliment to Indian courage and ability to treat the revolt as an organised national movement. It was suppressed by a small army. Its leaders were a failure. He concludes by saying that historical accuracy as well as respect for Indian ability make it necessary to emphasise the minor part played by the better elements in India.

Causes of the Mutiny—Political. The Mutiny of 1857 can be attributed to many causes. As regards the political cause, Dalhousie's annexations and Doctrine of Lapse had created a spirit of uneasiness and suspicion throughout India. The annexation of Satara and Nagpur was resented by the Hindus. The annexation of Oudh whose ruler had been a friend and ally of the English Company for about a century was resented not only by the Muslims but also by the other rulers of India. This created among them a spirit of despair. Even the most faithful and loyal Indian rulers could not be sure of their existence in the future. The British Government had ordered that on the death of the last Mughal Emperor, his successor was to give up his ancestral palaces and leave something of its royal splendour. Certain remarks made by the high British officials created the impression that the government had made up its mind to put an end to the native States. Sir Charles Napier stated thus : "Were I the Emperor of India for twelve years, no Indian prince should exist. The Nizam should be no more heard of—Nepal would be ours." By stopping the annual pension of £80,000 to Nana Sahib, the adopted son of the last Peshwa Baji Rao, the British made him their deadly enemy. The Hindus regarded him as the legitimate successor of Baji Rao and his exclu-

sion was considered to be unjust. He proved himself to be a prince among conspirators. He was helped by Azimulla Khan.

The annexation of a native State not only deposed a king, but also limited the scope of the Indians to get high administrative jobs. This created bitterness among the higher strata of Indian society. At the time of the settlement of newly acquired territories, the old claims of the native aristocracy were severely scrutinized by the officials who favoured the peasants against their landlords. This also created bitterness. Bentinck's resumption of rent-free lands brought a lot of money to the Government, but reduced to poverty many land owners whose title-deeds had been lost or who had held land by long prescriptive right. In the five years preeceding the Mutiny, the famous Inam Commission in Bombay confiscated about 20,000 estates. After the annexation of Oudh, Jackson was appointed Chief Commissioner for Settlement. He critically examined the titles of Taluqdars or hereditary revenue collectors and most of them were left without any means of subsistence. The native army was disbanded and about 60,000 men lost their livelihood. No wonder, the discontented soldiers and Taluqdars joined the mutineers in large numbers.

The English officers were aloof, exacting and unimaginative. Even the best among them "insulted the native gentry whenever they had the opportunity of doing so." The administrative machinery was inefficient and insufficient. The strain on it was so great that whenever a new territory was conquered and annexed, it roused "a very bad feeling and led to many agrarian outrages." Even the landlords were refused the right of adoption and their estates were confiscated by the Government. So unhappy was the lot of the landlords that it was difficult for them to raise loans even at thirty or forty per cent of the value of the land. There was a lot of uncertainty about land. Government officials very often cancelled private transfers of land and interfered even with the decisions of the courts. The Raja of Manipur was deprived of 116 out of 158 villages. Another Raja had his Taluka curtailed by the severance of 138 villages out of the total of 216 villages. The Collector was ordered by the Sadar Board not to carry the decree passed in his favour into effect. Many Taluqdars lost half of their villages and the others lost their all. Heavy assessments and increased duties made them frantic.

Courts of law tried to bring all the people on the same footing. The British officials took pride in introducing the principle of civil equality among the people. However, it was found that the principle of civil equality was not applied to Europeans. The caste spirit permeated the whole administration. When the system of flogging for civil offences was abolished, periods of imprisonment were substituted for them. These were not approved of by the people.

Religious. As regards the religious cause, the orthodox Hindus regarded the English as great iconoclasts and feared that their own religion will be destroyed by Christianity. Both the army and civil population were under the fear that the Government intended to make everybody a Christian as the Mohammedans had done

before. Missionary activity was extended by the Englishmen in all parts of the country. On many occasions, the meetings of the missionaries were held at the headquarters of the districts under the chairmanship of the Collectors. The Hindu Law of Property was changed with a view to facilitating the conversion of Hindus to Christianity. Formerly, a convert from Hinduism was not allowed to inherit property, but this hurdle was removed. The English made no secret of their intention to convert the Indians to Christianity. Mr. Mangles, the Chairman of the Directors of the East India Company, made the following statement in the House of Commons : "Providence has entrusted the extensive empire of Hindustan to England in order that the banner of Christ should wave triumphant from one end of India to the other. Everyone must exert all his strength that there may be no dilatoriness on any account in continuing in the country the grand work of making all Indians Christians."

The introduction of the railways and the telegraph system was regarded by the Indians as an attempt to Europeanise them. The same suspicion was attached to the postal system. In the new schools, boys of all castes and religions sat together and this was considered to be an attempt to interfere with the religion of the people.

Military. As regards the military cause[1], there was a lot of discontentment among the Indian soldiers. The highest pay attainable by a sepoy as Subedar of the infantry was less than the minimum pay of a raw European recruit. Very often, there was no promotion of an Indian soldier. He may enter as a Risaldar and retire as a Risaldar. The Government did not trust the Indian soldiers. "In every company, there are two are three native officers who, when they are too good, are discharged from service with full pay on retirement, on the pretext of rewarding them. So soon as sepoys become attached to them, so soon as they encroach upon the admiration and respect which must be the exclusive property of European officers they are immediately discharged."

The self-respect of the sepoys was trampled upon at every step. "It is by no means uncommon for an officer to curse and swear at his men on parade and use most disgusting terms of abuse to them." The sepoys resented the loss of Bhatta. The Indian soldiers were being called upon to fight in wars across the sea. On the occasion of the Crimean War, they had refused to go. In 1856 was passed the General Service Enlistment Act. According to this Act no sepoy who was enlisted under the Act, could refuse to fight across the sea. The result was that the Indian army was turned into an Imperial army. The privileges of the sepoys of the Bengal army were withdrawn. Efforts were made to convert them to Christianity. Promotions were given to those Indian soldiers who became Christians.

Oudh was the home of the sepoys and when it was annexed in 1856, about 60,000 men were rendered idle on account of the disbanding of the State army. The national feelings of the sepoys were wounded. So great was the resentment among the Indian

1. *Cf.* "The Mutiny had its origin in the army itself."

soldiers that one of them told Sir Henry Lawrence that "if the sepoy is not speedily redressed, he will redress himself."

The proportion of the Indian troops to British troops was very high. In 1856, the Indian army consisted of 233,000 natives and 45,322 British troops. Although Lord Dalhousie had pointed out to the urgency of filling in the gap, the Home Government had slept over the matter.

The distribution of the troops in India was faulty. The strength of the Bengal army was 151,361. About 40,000 troops were in the Punjab. No European force existed in Bengal and Bihar except at Calcutta and Dinapur near Patna. The Indians were well aware of the weak position of the Company at many places and would like to take advantage of the same.

The general unrest was indicated by the mysterious *chapatis* or cakes which began to circulate from village to village from 1856. There was a similar circulation of lotus flowers among the regiments. Although the cause is not known, it created an atmosphere of mystery. The centenary of the Battle of Plassey was to fall on 23rd June 1857, and the people were looking forward to the end of the British rule in India after 100 years. There were meetings of the Indian soldiers against their European officers. They were thinking in terms of having their revenge against them. Their plan of campaign was simple. They were to strike all over India on the same day (22nd June 1857). They were to kill European officers, break open prisons, take over the Government treasuries, cut telegraph wires and railway lines and capture powder magazines, armouries and forts. It was hoped that if all the blows were given at the same time, they were sure to shake the edifice of the foreign government.

Immediate Cause. The immediate cause of the Mutiny was the greased cartridges. According to a regulation, the sepoys were required to bite the end of the cartridge. There was a rumour that the cartridges to be used with the new Enfield rifles were greased with the fat of cows and pigs. One of them was sacred to the Hindus and the other was forbidden to the Muslims. On account of their ignorance, the British Government denied the truth of the allegation. However, it was later on found that actually the fat of cows and pigs had been used. The result was that the sepoys got infuriated. The native army of Bengal was in a state of restlessness. In April 1857, some troops refused to use the cartridges supplied to them. They were court-martialled and sentenced to ten years' imprisonment. On 9th May, they were publicly degraded and deprived of their uniforms and shut up in a jail.

Spread and Suppression of Mutiny. Three regiments broke into open revolt, shot down their officers and broke open the prisons, released their comrades and marched to Delhi. They were also joined by the sepoys of Delhi. Europeans were massacred and the city of Delhi was occupied. Bahadur Shah, the old Mughal emperor, was put on the throne. The Mutiny spread to Lucknow, Bareilly, Cawnpore, Agra, Jhansi, Central India, Bundelkhand and other places. Europeans were killed everywhere and the sepoys marched on to Delhi.

The Sikhs in the Punjab kept quiet. Hyderabad also remained quiet. The same was the case with Scindhia. The credit goes to Sir Dinkar Rao in the case of Scindhia and to Sir Salar Jang in the case of Hyderabad.

To begin with, the English were on the defensive. However, every effort was made to rush in soldiers from every part of the British Empire. About 1,12,000 soldiers came from the British army and 3,10,000 troops were recruited in India for the same purpose. Troops came from the Punjab also. After bitter fighting. Delhi was recaptured.[1] At Lucknow, Sir Henry Lawrence was killed in the course of the siege. However, Generals Outram and Havelock forced their way into the residency at Lucknow. They were also besieged but relieved later on.

At Cawnpore, Nana Sahib was directing the operations. The British garrison surrendered. All but four persons were killed. Campbell recaptured Cawnpore.

Rani of Jhansi and Tatia Tope put up stiff resistance. Rani of Jhansi died fighting. Tatia Tope managed to escape. Nana Sahib was driven from place to place, but his end is not known.

There were too much of killing during and after the Mutiny. This killing was started by the Indians. Probably their object was to create a psychological atmosphere in the country by hanging those European officers who were responsible for tyrannising the Indians. But the English surpassed everybody in retaliation. For every European killed, a hundred Indians were killed by them. Both villagers and townsmen fell victims to their lust for blood. Little boys who were guilty of merely waving the rebel flag, were summarily executed. A batch of twelve men was hanged from the trees because their faces were turned the wrong way when they were met by British soldiers on the march. Six thousand persons were slaughtered at Allahabad alone. Muslims were sewn up in pigskins and thrown into rivers and were smeared with pork-fat before their execution. Their bodies were cremated. Before his execution, pork was stuffed in the mouth of the Dewan of Fatehgadh. The meat of cow was forced down the throats of the Hindus. They were forced to work as sweepers, unmindful of their status. The object of all this killing was to strike terror into the hearts of the Indians.

Indian Leaders. The names of the Indians who played an important part during the days of the Mutiny were Bahadur Shah, Nana Sahib, Tatia Tope, Azimullah Khan, Maulvi Ahmed Ali Shah of Faizabad, Kunwar Singh and Lakshmi Bai, Rani of Jhansi.

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1. Mughal Emperor Bahadur Shah was captured, tried and declared a traitor to the East India Company. Ultimately, he was granted a pardon of life. He was sent to Rangoon along with Begum Zeenat Mahal and Mirza Jawan Bakht. The king survived only for five years. A reign of terror involving the hanging and shooting of the people started in Delhi. Nearly 27,000 persons, both soldiers and civilians, were put to death. A large number of women committed suicide in order to save their honour. No locality in Delhi, with the solitary exception of Katra Neel, escaped from the revenge. The Muslims left Delhi to a man. The Hindus could be seen here and there. The population of Delhi fell from two lakhs to 50,000. The process of hanging contioned till 1858.

As regards **Bahadur Shah**, he became the king of Delhi in 1837. Like his father, he assumed the title of Badshah and Ghazi. The mutineers from Meerut forced him to declare himself as the Emperor of India. However, he had absolutely no heart in the job The old man found himself absolutely incompetent to play the role that was given to him. He continued negotiations with the British. He surrendered himself to Hodson on 21st September, 1857. He was tried for treason. During the trial, the judges and prosecutors did not extend to him even ordinary courtesies. He was exiled to Rangoon where he died.

By a written testament of 1839, Peshwa Bajirao left his title and estates to the eldest of his adopted sons, **Nana Sahib** *alias* Dhondu Pant. He was considered to be a mediocre. The British Government made it clear even during the lifetime of Bajirao that his heirs would not be entitled to any portion of his pension which was Rs. 8 lakhs per annum. In spite of that, Nana Sahib was of the opinion that if his case was fairly represented to the authorities in England, justice might still be done to him. For that purpose, he sent Azimullah Khan to London but nothing came out of it. Thus Nana Sahib had a legitimate grievance against the Government of India. In spite of that, Nana Sahib was living a life of comfort at Kanpur. It was the revolt of the troops at Kanpur that brought Nana Sahib to the front. Nana Sahib is held responsible for the massacre at Kanpur. He was defeated at Kanpur by Colin. He escaped from Fatehpur Chaurasi. He is reported to have invited Kunwar Singh to join him. He was driven to the Nepal border. He refused to accept the terms of surrender offered to him. The circumstances of the death are not known.



Nana Sahib

Ramchandra Panduranga *alias* **Tatia Tope** was one of the few military leaders of ability produced by the Mutiny. He was a Brahmin and his father was one of the numerous dependants of Bajirao. Tatia Tope was a personal adherent of Nana Sahib and he was bound to his person by ties of loyalty and gratitude. He was present at the Kanpur massacre. He assumed command of Gwalior rebels. He defeated the force of Windham at Kanpur but he was defeated by Colin. He persuaded the Gwalior contingent to join the rebels at Kalpi. He visited Gwalior secretly and planned an attack on Gwalior. He ran away to Rajputana. His forces were

defeated at many places. Ultimately, he was betrayed by Mansingh. He was captured by the British and sentenced to death and executed. He was a remarkable man in many ways. His energy and spirit of defiance were remarkable.

Azimullah Khan was originally a Khidmatgar in some Anglo-Indian family. He acquired a thorough knowledge of English and French languages. He took to studies and ultimately became a teacher in the Government School at Kanpur. He was chosen by Nana Sahib to represent his case before the authorities in London. However, nothing came out of his efforts. It is stated that so charming was his personality that many English women fell in love with him. He was the chief instigator in the Kanpur massacre.

Maulvi Ahmed Ali Shah of Faizabad was known by various names. He travelled from place to place, accompanied by some armed men. He had his disciples all over India. He openly declared holy war against the Franghis and made seditious speeches. The police forcibly disarmed him and his followers when they refused to surrender their arms. As the civil prison was not considered safe, he was placed in military custody. He was a prisoner when the Mutiny broke out. The soldiers at Faizabad also revolted. Ahmed Ali Shah came to the front. However, he was defeated at Lucknow. He attacked Shahjahanpur. He was killed in 1858. According to Sir Thomas Seaton, Maulvi Ahmed Ali Shah was "a man of great abilities of undaunted courage of stern determination and by far the best soldier among the rebels." According to Malleson, "If a patriot is a man who plots and fights for the independence, wrongfully destroyed, of his native country, then most certainly the Moulvi was a true patriot. He had not stained his sword by assassination, he had connived at no murders ; he had fought manfully, honourably, and stubbornly in the field against the strangers who had seized his country, and his memory is entitled to the respect of the brave and the true-hearted of all nations."

KUNWAR SINGH was the doyen of the guerilla fighters. He was about 70 at the time of outbreak of the Mutiny. He had extensive landed estates, the total annual rental of which amounted to Rs. 3,00,000. He paid an annual revenue of Rs. 1,48,000. He was illiterate and consequently could not look after his estates. He was heavily under debt. In 1857, he found himself on the brink of bankruptcy. He was on very intimate terms with the English officials in India. Ordinarily, he was not expected to join the rebels. However, it is pointed out that he joined the rebels under a threat of violence. Once with the rebels, he staked everything for their victory. He fought valiantly against the British at many places. He died on 23rd April 1858.

Rani of Jhansi (Lakshmi Bai). The Rani of Jhansi is a legendary figure. Her popularity and grip over the Indian mind is proved by the fact that not only is she the most well-known of the rebel leaders but a large number of folk songs and ballads have been composed in her memory by her contemporaries and also by later poets. She is also the theme of modern poems, novels and dramas which have become famous all over the country.

Raja Gangadhar Rao of Jhansi was very loyal to the British Government. When he died he believed that his adopted son would succeed him. However, Jhansi was annexed in 1853. It is stated that when the news of annexation was conveyed by the Agent to the Rani, the Rani duly greeted him but declared emphatically that she would not give up Jhansi.



Rani Jhansi

Even after the annexation of Jhansi, the Rani was not left alone. She was harassed in every possible way. She was not allowed to exercise control even over the personal property of her late husband. The British Government kept the same in trust for the infant adopted son. She was asked by the Government to pay the debts of her husband from her pension of Rs. 6,000 a year, The Rani put up with all the indignities and continued to wait for some suitable opportunity.

On 4th June 1857, the sepoy regiment stationed at Jhansi revolted. British authority was crumbling all over India. The British position was so weak that their representative openly asked the people to accept the rule of the Rani who was stated to be acting on their behalf.

This state of affairs continued till March 1858. When the British offensive started, the Rani organised a memorable defence. According to Malleson, "It was sure that the Rani had infused some of her lofty spirit into her compatriots Women and children were seen assisting in the repair of the havoc made in the defence by the fire of the besiegers and in carrying food and water to the soldiers on duty. It seemed a contest between the two races under the conditions unusually favourable to the besieged."

The Rani was forced to leave Jhansi, but she managed to reach Kalpi to join her forces with the Nawab of Banda, Tatia Tope and others. The British forces pursued her and ultimately the battle had to be fought After the defeat of Kalpi, she managed to capture Gwalior from Scindhia. However, a lot of time was wasted in Gwalior by those who were fighting along with her. The result was that Sir Hugh Rose mounted a terrific offensive and ultimately the rebel front crashed except the sector held by the Rani. While organising the retreat on 18th June 1858, she was mortally wounded and she died in the battlefield.

It is true that the Rani died in the battlefield but her name became immortal. She was praised not only by her admirers but

even by her enemies. Sir Hugh Rose who had fought against her observed thus : "Although a lady, she was the bravest and the best military leader of the rebels. A man among the mutineers." According to Kaye and Malleson, "She gained a great influence over the hearts of her people. It was this influence, this force of character, added to a splendid and inspiring courage, that enabled her, some months later, to offer to the English troops under Sir Hugh Rose a resistance which made to a less able commander might even have been successful."

Causes of Failure of Mutiny. (1) Many causes were responsible for the failure of the Mutiny. In the first place, the Mutiny was localised. There were certain parts of India which were not affected by it at all. Particularly the territory south of the river Narbada remained undisturbed. Sindh was quiet. Rajputana was loyal. Dost Mohammed remained friendly. Central and Eastern Bengal remained undisturbed. Instead of joining the mutineers the Gurkhas of Nepal rendered meritorious services to the British. In spite of the fact that the Punjab had been conquered from the Sikhs only 8 years ago after a lot of bloodshed, it remained absolutely quiet. Had the people of the Punjab joined the mutineers, the story of the Mutiny would have been absolutely different. As a matter of fact the rule of Sir John Lawrence was not very popular and he himself was not certain of their loyalty. Anyhow the loyalty of the Punjabees made the matters easier for British. Not only they remained loyal themselves, they helped the Government in disarming and guarding the Bengal troops at Lahore, Peshawar and Multan. Those regiments which mutinied were put down. It was the tranquillity of the province that enabled the Provincial Government to send reinforcements to Delhi. So great was the loyalty of the Punjab that practically all the troops left the Punjab and even then there was no trouble. It is pointed out that if the Mutiny had not been localised and had spread in every nook and corner of the country, the fate of the country would have been different.

(2) With the exception of the Rani of Jhansi, Taluqdars of Oudh and some other minor chiefs, none of the feudatory princes joined the rebels. Scindhia and Holkar remained loyal although their armies revolted. The chief of Sirhind rendered excellent help to the English. Sir Dinkar Rao and Salar Jung were responsible for maintaining peace in the territories of Scindhia and the Nizam. Without their devotion and sincerity, things might have been too hot for the English. It has rightly been pointed out that the name of Salar Jung deserves to be mentioned for ever by Englishmen with gratitude and admiration.

(3) The mutineers failed on account of the lack of leadership among them. It is true that Rani of Jhansi was a capable woman but she was neither the head of all the forces nor a very experienced general. The mutineers worked without any common plan. The result was that they were defeated separately.

(4) There was no one common cause among the Indian leaders. Every one had his own axe to grind. He was not prepared to join hands with other interested parties and consequently the Indian

could not derive much out of their efforts. The Mohammedans fought under the Emperor and the Hindus under Nana Sahib and Rani of Jhansi. According to Holmes, while the mutineers lacked a head, many were half-hearted and fought reluctantly against the leaders whom they had been accustomed to obey.

(5) Fortunately for the English the Lawrences, Outram, Havelock, Nicholson and Edwardes were great personalities. They controlled the situation from the beginning to the end and the Indians were no match for them.

(6) The personal character of the Bengal troops was also responsible for the failure of the Mutiny. They were arrogant and were hated in every part of India to which they were sent. At many places, the mutineers were crushed by the people themselves.

(7) The year 1857 was favourable to the British in many ways. The Crimean War and the Chinese War were just over. The British armies were free to throw their weight against the mutineers. Russia was defeated and there was no danger from that quarter. Internationally, the Indian rebels were isolated.

(8) As the English had their control over the seas, they were in a position to pour men and materials into India with practically no difficulty. A large number of troops were at once sent to India The Indians fought with primitive weapons. They could not fight the Enfield rifle with their *Talwar*. The rebels had practically no war materials at their disposal. They had with them what they had managed to capture.

(9) The only hope of success for the mutineers was to have quick victories. Time factor was against them. It could be taken for granted that the English would be able to get reinforcements from outside.

(10) While the mutineers made appeals to all other sections of society, no appeal was made to the peasants or tillers of the soil. While all other classes were promised a better deal and a fuller pail, the peasants were ignored altogether. It has been pointed out that the inability of the rebel leaders to rally the peasants to their side doomed their cause. The rebellion got its strength from the princes, ruined noblemen and other feudal interests. These forces were incapable of overthrowing the British Government in India.

A modern writer ascribes the following causes to the failure of the War of Independence of 1857. The British were better organised than the Indians. They had more money than the Indians. The wealthy classes did not extend their support to the mutineers. As a matter of fact, many of them supported the British. There was lack of central direction. The leaders of the War of Independence suffered from mutual rivalry such as between Mirza Mughal and Bakht Khan. Bahadur Shah was mentally ill-prepared for such a great revolution. The Indians spying for the British were at work inside and outside the Fort among whom the name of Maulvi Rajab Ali stands out as the most notorious. The help rendered to the Britishers by the Punjab State proved to be most disastrous to the

cause of the mutineers. The Gurkha soldiers also rendered a lot of help to the British.

Effects of the Mutiny. (1) The Mutiny of 1857 did not leave India unaffected. According to Sir Griffin, "Perhaps a more fortunate occurrence than the mutiny of 1857 never occurred in India." It swept the Indian sky clear of many clouds. It disbanded a lazy, pampered army which thought that in its 100 years of life, it had done splendid service. It showed to the world that the English possessed courage and national spirit which made light of disaster and which did not care for the heavy odds.

(2) The Mutiny was a revolt against the aggressive European innovations. The conflict between the old ideas and the new ones had to be fought out somehow. The fight was inevitable whether in 1857 on the issue of greased cartridges or otherwise. Such a conflict could not be avoided without suffering and shedding of blood.

(3) The Mutiny brought about changes in the policy of the Government of India towards the Indian States. The policy of subordinate isolation was given up and a new policy of subordinate union was inaugurated. Queen Victoria declared in her Proclamation of 1858 that the British Government would not annex the Indian States. The Indian princes were assured the right of adoption and succession. They were given sanads and certificates in recognition of their status. The Government of India also began to rely more and more on the Indian princes on account of the alienation of the feelings of the Indians.

(4) The separate army of the East India Company was abolished and it was merged with that of the Crown.

(5) The Pitt's India act had established the system of dual control at home. The control was exercised by the Court of Directors and Board of Control. In 1858, both of them were abolished and their place was taken by the Secretary of State and the India Council.

(6) The Mutiny was stamped out by 1860 but it left deep scars. It transformed the rhythm of the life of the nation. It widened the gap between the Europeans and Indians. Smiles went out of fashion and the proper expression for India was cold ferocity. The English soldiers despised Indians, even those who were fighting on their side. They denied the Indians a common soul.

(7) The collapse of the Mutiny created a misunderstanding between the Muslims and Hindus. The Muslims had shown a keener and more widespread sympathy for the rebellion. Even in South India where their number was small, many conspiracies were found among them between 1857 and 1859. When the rebellion began, both Hindus and Muslims took part in it in large numbers. But the Muslims were more violently anti-British than the Hindus. The British feared the Muslims more than the Hindus. The result was that the hand of repression fell heavily on the Muslims than on the Hindus. Many of their leading men were hanged or exiled, *e.g.*, Nawab Sahibs of Jhajjar, Ballabhgarh, Faruknagar and Farukabad.

Twenty-four Shahzadas were hanged at Delhi on 18th November 1857 alone. Muslim quarters were everywhere the target. Muslim property was widely confiscated.

(8) The result of all this was that the Muslims came to have a sort of grievance against the Hindus. The differences between the two began to develop. The two began to drift away from each other. The problem of Hindu-Muslim unity became impossible.

(9) Another effect of the Mutiny was that the Muslim renaissance which had been growing in Delhi before the Mutiny got an irreparable setback. The cultural blossoms were blighted. According to C. F. Andrews, "It is not difficult to trace the fatal havoc to budding spiritual life which one year of Mutiny wrought. Decay immediately overtook the revival of learning in Delhi from which it never recovered." Calcutta, the centre of Hindu renaissance, escaped the horrors of the Mutiny and was saved.

(10) "The lessons taught by the Mutiny have led to the maintenance of two great principles, of retaining in the country an irresistible force of British troops and keeping the artillery in the hands of Europeans." The native army was reduced by half. About 77 regiments were disbanded. As the cost of a European soldier was 4 or 5 times that of a sepoy, the military budget of India swelled as a result of reorganisation. Military positions and strategic points were transferred to European troops whose number was nearly doubled. Sir Richard Temple wrote thus : "At every large military station in the Empire, there are (now) enough Europeans to hold their own, even in the event of a Mutiny." Native artillery was abolished. In the new native army, men of higher castes were excluded. The Bengal army virtually became the Punjab army. The new army was organised on the basis of division and counterpoise.

(11) The Mutiny resulted in the tightening of the control of India from London. The Indian foreign policy was linked up with European politics.

(12) As a result of the Mutiny, the centre of interest in India shifted from external policy to internal development.

Thompson and Garratt on the Mutiny. According to Thompson and Garratt, "The Mutiny may be considered either as a military revolt, or as a bid for recovery of their property and privileges by dispossessed princes and landlords, or as an attempt to restore the Mughal Empire, or as a peasants' war. From every aspect it was localised, restricted, and unorganised. Only one of the three provincial armies rebelled, and it is doubtful if a quarter of the sepoys were ever in arms against the Government. Estimates of rebel forces at Delhi and elsewhere suggest that, as each regiment mutinied, many sepoys drifted back to their villages. No important prince threw in his lot with the rebels, and many, like Patiala, actively helped the Government. Of the thousands of landlords who had lost their property through the Inam Commission, or through changes in Oudh and the North-West Provinces, only the Talukdars of Oudh made any concerted attempt to help the mutineers, and they did not decide for some months. Of the fifty million Muslims in India

only three men out of every ten thousand could have rallied to their restored Emperor. In a few areas, which had suffered from very high assessments, the villagers helped the mutineers, but nowhere was there anything approaching a *jacquerie*. The ordinary administration continued to function everywhere south of the Narmada, and in most of Bengal and the Punjab. Troops, Indian as well as British, were sent from Madras and Bombay to join in the work of repression. In the recently annexed Punjab the Bengal army regiments mutinied or were disarmed, and the Cis-Sutlej districts were affected ; but a mobile column under Nicholson was spared to help in the siege of Delhi, and many Sikhs and Muslims were enlisted. Even the North-West Provinces, where the severest fighting took place, only an insignificant section of the population took any active part.

"The Mutiny resembled some medieval civil war, or the early campaigns in Bengal. Minute armies operated amongst a population which was probably sympathetic with one side, but was disarmed and chiefly anxious to be left in peace. When the Meerut garrison mutinied and marched to Delhi there were scarcely 40,000 effective British troops in India. When Havelock marched to the relief of Lucknow, through a country treated as hostile, he had under him two thousand men, an army smaller than Clive had taken to Plassey. Within four months a portion of the 40,000 British troops, with the help of some Madras regiments, a small force of Gurkhas, and the hastily raised Sikh and Muslim levies, had broken the back of the rebellion. Delhi was recaptured, Lucknow relieved, and all serious hopes of a successful revolution had been abandoned. Reinforcements from Europe arrived, and joined in hunting down those in arms against the Government, but they were not sufficient to alter the scale of the fighting."

According to the same authors, "Two factors differentiated the Mutiny from the host of 'little wars' which the English fought in Asia and Africa during the nineteenth century. In most of these the final issue was never seriously in doubt, but for four months during the summer of 1857 it seemed that the Mutiny might develop into a real war of independence, which would make reconquest impossible. By September it was clear that the Indians who were in revolt were incapable of working to any settled plan or of subordinating themselves to a national leader. Their prestige was waning, and their commanders had proved themselves incompetent except in guerilla warfare. The course of the revolt had, however, shown the weakness of the English hold on India. This aspect of the Mutiny was never forgotten, and its memory was to influence every branch of the administration. Even more important was the nature of the fighting." From the very beginning there was a good deal of savagery on both sides. The rebellious sepoys knew that they would not get any quarter if they were captured. The rebels knew that they had to fear not only death but something more. They had already learnt that the British troops were "sewing Mohammedans in pig-skins, smearing them with pork-fat before execution and burning their bodies, and forcing Hindus to defile-

themselves." No wonder, the rebels lost their military discipline and collected round them all kinds of people to do as much damage to the Englishmen as they could. The British troops also retaliated and committed the worst kind of cruelties one can dream of.

Maulana Azad on the Mutiny. Presiding over the 31st session of the Indian Historical Records Commission in 1955, Maulana Azad made a few observations with regard to the Mutiny and it is desirable to refer to them. In the course of his address, Maulana Azad observed thus : "You are aware that after 1857 the nature and scope of this struggle was for a long time the subject of controversy both within and outside India. Many books have been written from different angles and even if we consider the work of only recognized historians the number of such studies can be counted in hundreds.

"It is, however, clear that they are all written from one point of view, *viz.*, that of the British. They all seek to represent that this struggle was a rebellion of the Indian army against the constitutional Government of the day. Some Indian States also joined in the revolt, but these were States which nursed a grievance because of their annexation by Lord Dalhousie. The British Government, as the constituted authority of the land, suppressed the revolt and restored law and order.

"Not one of the many books written on the subject has sought to interpret the events of 1857 in any other way. It may also be mentioned that while these authors describe in detail the many atrocities perpetrated by Indians on European men, women, and children not one has referred to the equal or worse crimes against Indians committed by the British."

Discussing the causes that led to the Mutiny Maulana Azad observed thus : The question has often been asked as to who were responsible for the Mutiny. Suggestions have also sometimes been made that there was a group of planners who prepared a scheme according to which the movement was launched. I must confess that I have grave doubts on the point.

"During the Mutiny and in the years immediately thereafter, the British Government carried out careful inquiries into the origin and causes of the Mutiny. Lord Salisbury said in the House of Commons that he for one was not prepared to admit that such a widespread and powerful movement could take place on an issue like the greased cartridges. He was convinced that there was more in the Mutiny than appeared on the surface.

"The Government of India as well as the Government of the Punjab appointed several commissions and boards to study this question, and all the legends and rumours current in those days were carefully examined. There was the story about the circulation of messages through *chapatis*. There was also the prophecy that British rule in India would last only 100 years and would come to an end in June 1857, 100 years after the Battle of Plassey.

"In spite of long and searching inquiry, there is so far no evidence that the Mutiny had been pre-planned or that the army

and the Indian people had entered into a conspiracy to overthrow the Government. I find it somewhat difficult to believe that the research we are now undertaking will throw new light on this issue.

"During the trial of Bahadur Shah, efforts were made to prove that he was a party to a pre-planned conspiracy. The evidence which was adduced did not convince even the British officers who conducted the trial and would be dismissed as frivolous by any man of common sense. In fact, the course of the trial made it clear that the Mutiny was as much a surprise to Bahadur Shah as to the British.

"Some Indians have written on the struggle in the early years of this century. If the truth is to be told, we have to admit that they are not history but mere political propaganda. These authors wanted to represent the Mutiny as a planned war of independence organized by the Nobles of India against the British Government.

"They have also tried to paint certain individuals as the organizers of the revolt. It has been said that Nana Rao, the successor to the last Peshwa Baji Rao, was the master mind behind the Mutiny and established contacts with all Indian military establishments. As evidence of this, it is said that Nana Rao went to Lucknow and Ambala in March and April 1857, and the Mutiny started in May 1857. I think you will agree that this can hardly be regarded as conclusive evidence. The mere fact that Nana Rao toured Lucknow and Ambala some time before the Mutiny cannot be regarded as evidence that he planned it.

"How baseless some of these conjectures are is clear when we find that these historians regard Ali Naqi Khan, Wazir of Oudh, as one of the conspirators. Anyone who has made a study of the history of Oudh will regard this suggestion as ridiculous. Ali Naqi Khan was completely the henchman of the East India Company. He was the man whomt he British used to try to persuade Wajid Ali Shah to give up his kingdom voluntarily.

"Gen. Outram, the British Resident, had promised generous rewards to Ali Naqi Khan if he succeeded in his mission. Ali Naqi Khan was so persistent in his efforts that Wajid Ali Shah's mother became apprehensive that he might secure his end by some subterfuge. She, therefore, took the State seal in her own possession, kept it in the zenana and issued orders that it should not go out without her orders. All these facts are well known in Lucknow and people there regard Ali Naqi Khan as a traitor. To suggest that such a man was one of the master minds behind the Mutiny is on the face of it absurd.

"It has also been said of Munshi Azimullah Khan and Rangu Bapu that they had prepared the plans for the uprising. Azimullah Khan was the agent of Nana Rao and had been sent by him to London to plead his cause and secure for him the pension paid to Baji Rao. On his way back to India, he had visited Turkey where he had met Omar Pasha on the battlefield of Crimea. Similarly, Rangu Bapu had gone to appeal against another decision of Dalhousie regarding the incorporation of Satara into British India.

"The fact that they had both been in Lucknow on such missions is regarded as pointing to their participation in the conspiracy. It is, however, clear that such suppositions are not evidence. Besides even if they had talked about these matters in London, this could not by itself justify us in prescribing them as architects of the revolt unless we can connect them with the events in India.

"There is no evidence of such connection and in the absence of records or testimony, we cannot regard them as having planned the Mutiny. After the capture of Cawnpore, the British secured possession of all the papers of Nana Rao. The papers of Azimullah Khan also came into their possession. Among his papers, there was a letter addressed to, but never sent to, Omar Pasha informing him that Indian soldiers had revolted against the British. Neither this letter nor any other paper of Azimullah Khan gives any indication that he had at any time prepared plans for any uprising in India.

"In the light of the evidence we are, therefore, forced to the conclusion that the Indian Mutiny was not the result of careful planning nor were there any master minds behind it. What happened was that in the course of 100 years, the Indian people developed a distaste for the Company's rule and gradually realized that power had been captured by a foreign race. As this realization became widespread, the conditions were created for an outburst which was due not to the conspiracy of a few individuals or groups but growing discontent of the entire people.

"If it be asked why the revolt of the Indian people was delayed for almost 100 years, the explanation may be found in the following facts: The growth of British power in India has perhaps no parallel in history. It was not a case of outright conquest of one country by another, but a story of slow penetration in which the people of the land themselves helped the intruders. The fact that the incursion of the British into India was not in the name of the Crown helped to conceal the true nature of their activities. If the British Crown had from the beginning taken any direct part in Indian affairs, the Indians would have realized that a foreign Power was entering the country. Because it was a trading Company, they did not think of it as a potential ruler." When the people of India realised the real nature of the authority of the Company, there was a lot of discontentment. It was this simmering discontentment which ultimately broke out in the outburst of 1857.

According to Azad, "The growing discontent was aggravated by two measures which may be regarded as immediately responsible for the outburst in 1857. One of these was the new policy which was initiated by Mr. Thompson, Lt.-Governor of the North-West Province (afterwards Agra and Oudh). At first, the Company had favoured a policy of maintaining or creating a class of landlords who would be natural allies of the Government. Thompson was of a different view. He believed that the existence of big nobles and landlords could be a source of danger to the Company.

"He was, therefore, of the view that the landlords, as a class, should be eliminated and the Government should establish direct

contact with the ryots. As a result of this new policy, the Company used every possible plea to dispossess nobles and landlords and bring their tenants directly under it.

"The second and perhaps more decisive factor was Dalhousie's policy by which he incorporated into British territory one Indian State after another. India was at that time passing through the last phase of feudalism. Under the feudal system loyalty was to the immediate superior who was a landlord or a noble. There was no sense of allegiance to the nation or country.

"When the people saw that the Indian States were being liquidated one after another and landlords were being eliminated as a class, it came as a great shock to them. They felt that the Company was at last showing itself in its true colours and seeking to change the very structure of Indian social and political life.

"The discontent reached its peak when Oudh was taken over by the Company. Oudh was a State which, for 70 years, had been a faithful ally of the Company. Never once during its connection had Oudh acted against its interests. When, in spite of this, the king was forced to abdicate and the State taken over by the Company, the people received a rude shock.

"The effect of the dissolution of the kingdom of Oudh was the greater as a large proportion of the soldiers in the Bengal army was from this area. They had served the Company faithfully and had been one of the major factors for extending its way in different parts of the land. They suddenly realized that the power which the Company had acquired through their service and sacrifice was utilised to liquidate their own king.

"I have little doubt in my mind that 1856, when Oudh was annexed, marked the beginning of a rebellious mood in the army generally and in the Bengal army in particular. It was from this time that they began to think that the Company's rule must be brought to an end. During the Mutiny, Lawrence and others who brought to find out the feelings of the ordinary sepoy have left ample evidence in support of this view. The affair of the greased cartridge did not create a new cause of discontent in the army, but supplied the occasion when the underground discontent came out in the open."

Dr. Sen on the Mutiny. Dr. S. N. Sen in his book entitled "Eighteen Fifty-Seven" has made certain observations with regard to the nature and character of the Mutiny. According to him, the story of *chapatis* lends some colour to the theory of prior preparation, propaganda and conspiracy. The view of Wilson was that a date and time had been fixed for a simultaneous rising at all military stations of India, but he did not give any evidence in favour of his view. According to Dr. Sen, Wilson's view is contradicted by the known facts. The rising at Meerut was not premeditated and the same was the case at other places. The sepoys and their leaders were not in league with any foreign power. The only foreign power which was approached by the rebels was that of Nepal and that was done after the collapse of Mutiny and not during it.

The remarkable thing about the Mutiny was that it had its recruits from many sources. The movement began as Military Mutiny but it was not confined to the army. Moreover, the army as a whole did not join the revolt and a considerable section of the army actively fought on the side of the Government. Every disarmed regiment was not necessarily disloyal and every deserter was not a mutineer. The rebels came from every section of the population. At all stages both Hindus and Muslims were well-represented in the rebel army. Nana had his Azimullah Khan, Bahadur Khan his Sobha Ram and the Rani of Jhansi her trusty Afghan Guards.

Outside Oudh and Shahabad, there is no evidence of that general sympathy which would invest the Mutiny with the dignity of a national war. At the same time, it is wrong to dismiss it as a mere military rising. The Mutiny became a revolt and assumed a political character when the mutineers of Meerut placed themselves under the King of Delhi and a section of the landed aristocracy and civil population declared in his favour. "What began as a fight for religion ended as a war of independence ; for there is not the slightest doubt that the rebels wanted to get rid of the alien government and restore the old order of which the King of Delhi was the rightful representative." The revolt assumed national dimensions in Oudh although in a limited sense. The Mutiny was not a war between the white and the black. No moral issue was involved. Truth became the first casualty and both sides were guilty of false propaganda. The struggle may be described as "a war of fanatic religionists against Christians."

The Mutiny was not a conflict between barbarism and the civilisation. It was an inhuman fight between the people driven mad by hatred and fear. Burning and hanging expeditions were a matter of routine and no distinction was made between the innocent and the guilty.

According to Dr. Sen, the Mutiny was inevitable. No dependent nation could for ever reconcile itself to foreign domination. A despotic government must ultimately rule by the sword. In India the sword was in the custody of the sepoy army. Between sepoys and the English masters, there were no common ties of race, language and religion. The Mutiny was not inevitable in 1857 but it was inherent in the constitution of the Empire.

Dr. R. C. Majumdar's View. Dr. R. C. Majumdar holds the view that the Mutiny of 1857 was not at all a national movement. He has given many facts and figures to show that the leaders of the Mutiny had their own axes to grind. They were not inspired by any feelings of Indian nationalism as such. There was no cordiality between the Hindus and the Muslims. Bahadur Shah did not heartily co-operate with the mutineers. Rani Jhansi also did not side with the mutineers at the beginning and actually did so when she was faced with a trial by the British Government. The Muslim Nawabs did not treat their Hindu subjects properly even during the days of the Mutiny. There was absolutely no concerted action among the people of India.

We may conclude with the following words of Asoka Mehta "The rebellion of 1857 was more than a mere Sepoy Mutiny, was an eruption of the social volcano wherein many pent-up forces found vent. After the eruption, the whole social topography had changed. The scars of the rebellion remained deep and shining."

Suggested Readings

Asoka Mehta : 1857.

Ball, Charles : *History of the Indian Mutiny.*

Buckland, F.W. : *The Political Theory of the Indian Mutiny.*

Forrest, Sir G.W. : *History of the Indian Mutiny.*

Holmes, T.R.E. : *History of the Indian Mutiny* (1904).

Innes : *The Sepoy Revolt.*

Joyce, M. : *Ordeal at Lucknow* (1938).

Kay and Malleson : *History of the Indian Mutiny.*

Khan, Sir Syed Ahmed : *The Causes of the Indian Revolt* (1873).

Kincaid, C.A. : *Laxmi Bai, Rani of Jhansi.*

MacMunn, Sir George : *Indian Mutiny in Perspective* (1931).

Nigam, N.K. : *Delhi in 1857.*

Sen, S.N. : *Eighteen Fifty-seven.*

Smith, Bosworth : *Life of Lord Lawrence.*

Spear, T.G.P. : *Twilight of the Mughuls* (1951).

Thompson, E. : *The Other Side of the Medal* (1925).

Trevelyan, G.S. : *Cawnpore.*

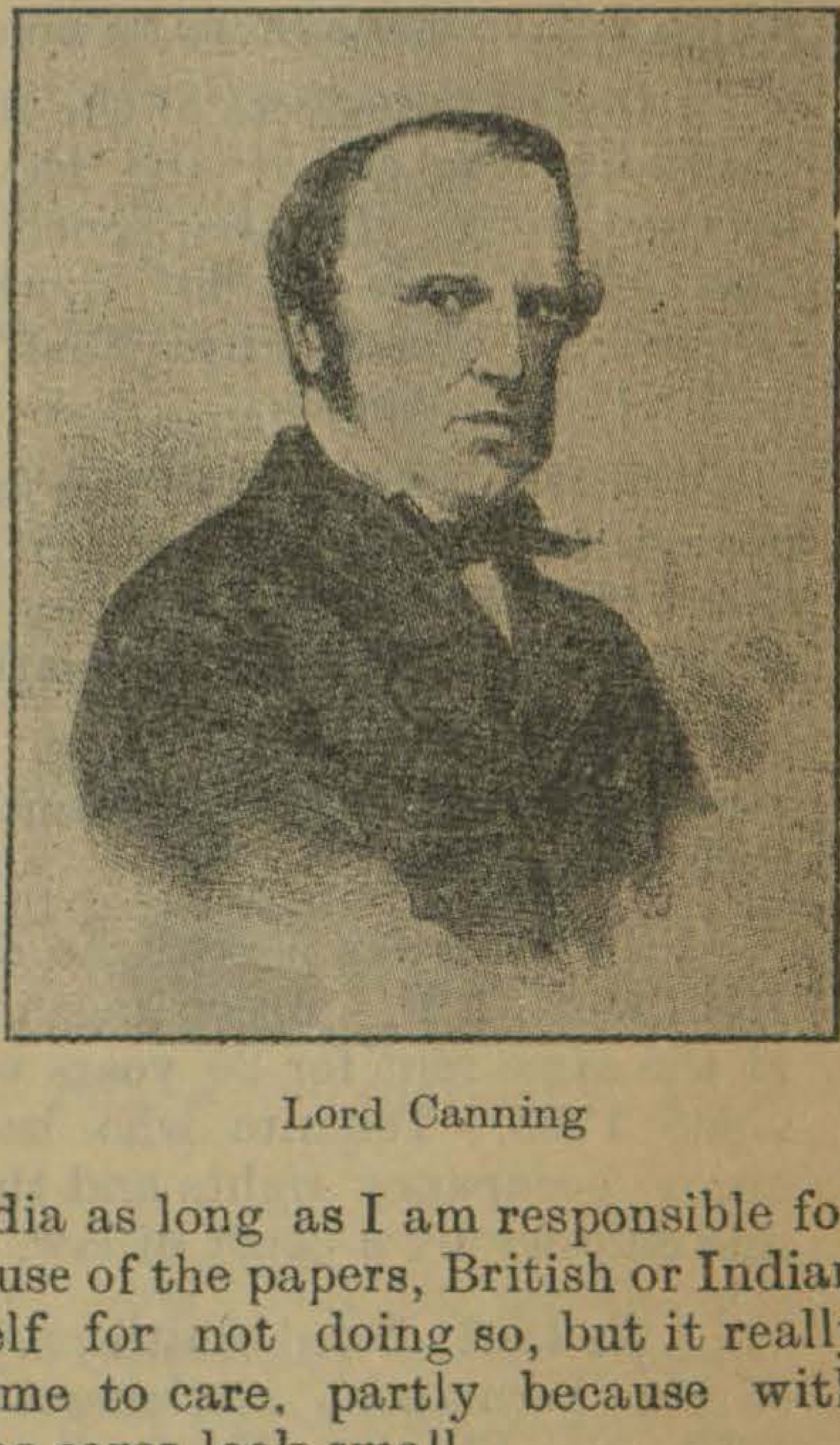
Trotter, L.J. : *Life of John Nicholson* (1904).

CHAPTER XV

CANNING TO LYTTON

Lord Canning (1856-62). The most important event of the reign of Lord Canning was the Mutiny which broke out in 1857 and was suppressed in 1858. The subject has already been discussed at length.

In spite of the fact that the mutineers were responsible for a lot of destruction of English property and lives and there was a demand for retaliation, Lord Canning kept his head cool and refused to follow that course. He continued to follow a policy of pacification even at the risk of personal unpopularity. In a letter to Lord Grenville, Lord Canning defended his policy in these words : "As long as I have any breath in my body, I will pursue no other policy than that which I have been following ; not only for the reason of expediency and policy above stated but because it is just. I will not govern in anger. Justice, and that as stern and inflexible as law and might can make it, I will deal out. But I will never allow an angry or indiscriminating act or word to proceed from the Government of India as long as I am responsible for it. I don't care two straws for the abuse of the papers, British or Indian. I am for ever wondering at myself for not doing so, but it really is the fact. Partly from want of time to care, partly because with an enormous task before me all other cares look small....



Lord Canning

"I don't want you to...do more than defend me against unfair or mistaken attack. But do take up and assert boldly that, whilst we are prepared, as the first duty of all, to strike down resistance without mercy, wherever it shows itself, we acknowledge that, resistance over, deliberate justice and calm patient reason are to resume their way ; that we are not going, either in anger or from indolence, to punish wholesale, whether by wholesale hangings or burnings, or by the less violent but not one jot less offensive course of refusing trust and countenance and favour and honour to any man because he is of a class or creed. Do this and get others to do it, and you will serve India more than you would believe."

When there was a demand for his recall, he wrote thus to the Home Government : "No taunts or sarcasm, come from what quarter they may, will turn me from the path which I believe to be that of my public duty. I believe that a change in the head of the Government of India at this time (1858), if it took place under circumstances which indicated a repudiation on the part of the Government of England of the policy which has hitherto been pursued towards the rebels of Oudh, would seriously retard the pacification of the country. I believe that *that policy has been from the beginning merciful without weakness, and indulgent without compromise of the dignity of the Government....*

"Firm in these convictions I will not, in a time of unexampled difficulty, danger, and toil, lay down of my own act the high trust which I have the honour to hold."

One of the effects of the Mutiny was that the English East India Company was ended and the Government of India was taken over by the Crown. This happened in 1858 when a formal declaration to that effect was made. Lord Canning was thus the last Governor-General of the English East India Company and the first Viceroy under the Crown.

In 1861 was passed the famous Indian Councils Act. This Act provided for the setting up of legislatures in the Presidencies and the extension of the Viceroy's Executive Council by the addition of additional members for legislative purposes.

In 1861 was passed a law by which Chartered High Courts were set up in place of Supreme Courts and Adalats of the English Company.

In 1859 was passed the Bengal Rent Act. It applied to Bihar, Agra and C. P. According to it, every ryot who had held his land at the same rent for 20 years was to be treated as if he had held it since 1793. Tenants who had held land for 12 years were to enjoy occupancy rights and their rents could be enhanced only after due enquiry by a court of law.

In 1861, Baird Smith proposed the extension of the principles of the permanent settlement of Bengal to the whole of India. In 1862, Sir Charles Wood, Secretary of State for India, approved of the proposal. However, in the time of Lord Mayo, the proposal was opposed and in the time of Lord Ripon, it was completely given up.

Lord Canning's Government had to face the problem of finance. There was a deficit of 36 million. That was partly due to the expenditure involved on the suppression of the Mutiny and partly due to the disorganisation of society and administration. The great need of the moment was economy, retrenchment and the increase in the proceeds of revenue. A large number of troops were disbanded as they were no longer required. James Wilson, a great economist of England, came to India in 1859 and was entrusted with the work of rehabilitating the finances of the country. He died within less than a year of his arrival in India and his work was

carried on by Samuel Laing. Before his death, Wilson had recommended the imposition of three new taxes and those were income-tax, license duty on trades and professions and an excise duty on home-grown tobacco. The proposal of income-tax was accepted as an experimental measure. It was to be at the rate of 5 per cent for five years on incomes of Rs. 500 and more a year. Wilson also established a uniform import duty of 10 per cent. He also provided for economies in civil and military expenditure. Salt duties were to be raised. The result of the reforms of Wilson and Laing was that by the time Lord Canning left India, there was no deficit budget.

Certain reforms were made in the army. The British learnt a lesson from the Mutiny. Rules were laid down for a definite proportion between the Indian and European soldiers. British officers were organised into three staff-corps for the three Presidencies. The European regiments of the English Company were amalgamated with the forces of the Queen. During this period, laws were codified. The Indian Penal Code which was drafted by Lord Macaulay, became law in 1858 after the necessary changes. It was followed by the Code of Criminal Procedure next year.

In 1861, a very severe famine visited North-Western Provinces of Agra and Oudh and some parts of the Punjab and Rajputana. Mortality was about ten per cent of the population. The famine was partly due to the after-effects of the Mutiny. There was also a failure of rain and consequently of crops. A lot of money was spent by the Government to give relief to the people.

In 1859 and 1860, there took place disputes between the European Indigo planters and the Bengal peasantry. The situation became very serious and disturbances took place. A Commission was appointed to investigate into the matter. It was ultimately settled by the Secretary of State that a tenant should not be liable to criminal prosecution for refusal to fulfil a civil contract to grow indigo.

A regards Lord Canning himself, it has rightly been pointed out that no Governor-General could excel him in intellectual qualities. He worked so hard that he practically killed himself. He did not care either for physical exercise or for mental relaxation. Although he was very cold and reserved in his manners, he was dutiful, noble and generous. He was responsible for suppression of the Mutiny with great tact and energy. He was "a nobleman who never, in the midst of greatest peril, allowed his judgment to be swayed by passion or his fine sense of honour and justice to be tarnished by even a passing feeling of revenge." According to Trotter, "After all deductions, his name will stand fair in English memories as that of a fearless, true-hearted Englishman who encountered on the whole with credit the two-fold misfortune of a Great Sepoy Revolt and a predecessor unmatched in Indian history."

According to Lord Elgin, "Poor Canning certainly never gave himself a good chance ; at least not during the last year or two of his reign here. He took no exercise and not even such relaxation

of the mind as was procurable, though that is not much in the situation of Governor-General. When I told him that I should ask two or three peopele to dine with me daily, in order to get acquainted with all the persons I ought to know, and to talk matters over with them by candlelight, so as to save daylight for other work, he said : 'I was always so tired by dinner-time that I could not speak.'"

According to Alexander Grant, "A cultivated man of patient thought and perseverance, of most genial yet inflexible mind, his great defect was want of decision in time of emergency ; but his irresolution and vacillation were undoubtedly the result of high conscientiousness, of almost morbid scruples, which on some occasions during the Mutiny were extremely perilous. The strength of his character and of his true devotion to his work was best seen on the establishment of order and in his dealing generously with the Native chiefs."

According to Lord Curzon, Lord Canning "stands in Indian history as one of the most pathetic but also one of the most heroic figures that have represented the name and upheld the honour of England."

Lord Elgin (1862-63). Lord Elgin was the son-in-law of Lord Durham, the famous author of the Durham Report. Before his coming to India, he had already worked as Governor of Canada and Jamaica. His period of office was a brief one as he died at Dharamsala after 18 months. He merely tried to follow in the foosteps of his predecessor. He avoided levying new taxes. He tried to keep down the military expenditure.

Lord Elgin held a large number of Durbars at Benaras, Kanpur, Agra and Ambala. The object of these Durbars was to bring the Indian States nearer the British Government.

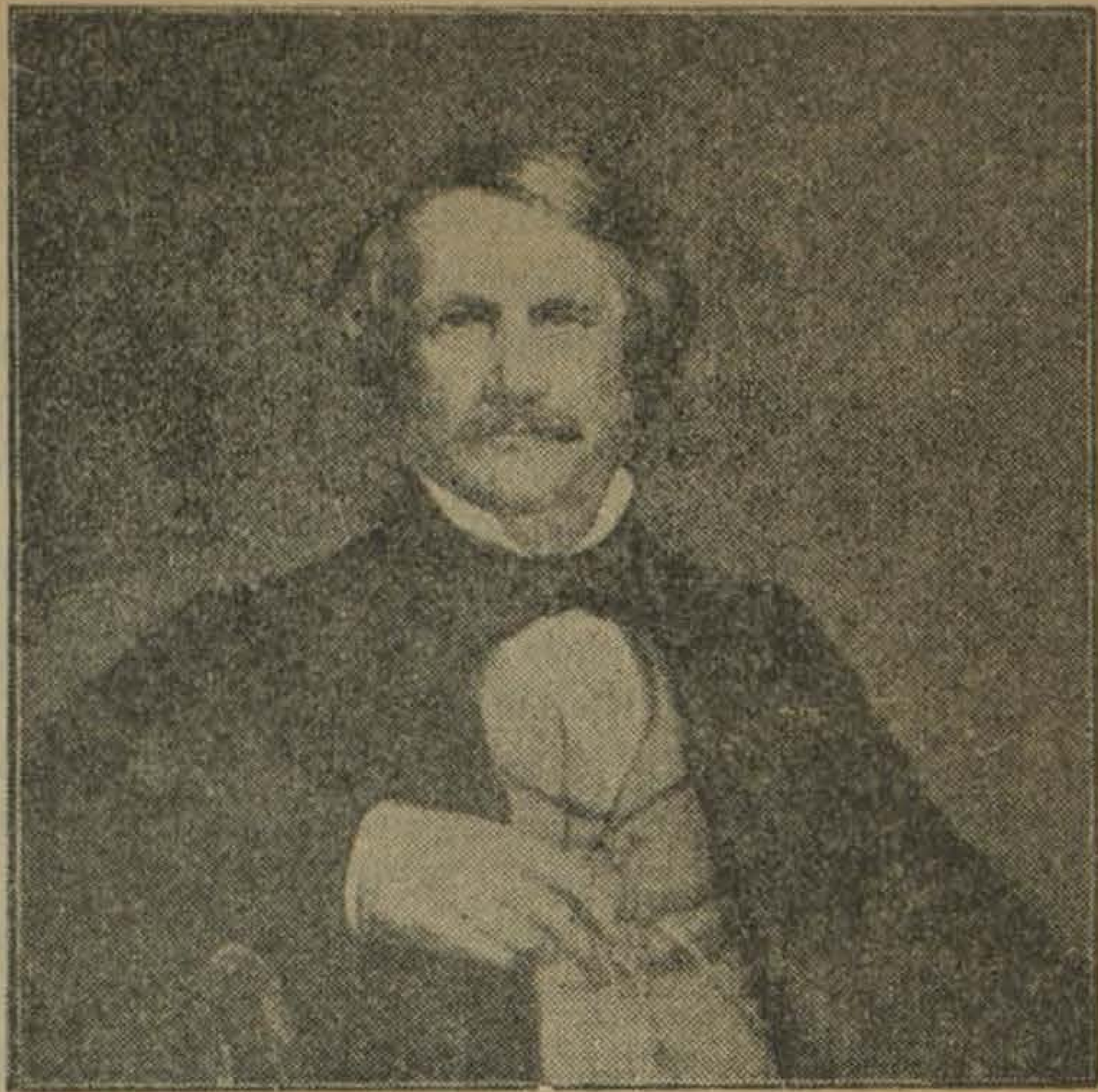
In his time, the Wahabis gave trouble. They were defeated and their stronghold at Malka was completely destroyed in 1861. The Wahabis were a fanatical sect of the Muslims living on the North-West Frontier.

According to Lord Curzon, "Lord Elgin was a sagacious, industrious, cheerful man who did all that he had to do conscientiously and without ever giving offence, but withal he possessed courage and no small commonsense."

Lord Lawrence (1864-69). Sir John (afterwards Lord) Lawrence came into prominence when he was appointed the Chief Commissioner of the Punjab after its annexation. It was through his tact that the Punjab remained calm during the Mutiny. He is rightly called "the saviour of India and organiser of victory." He was a very hard-working man and hardly any clerk would have worked harder than he did. His appointment was an exception to the general rule that no Indian civil servant should be appointed the Governor-General of India. His period of office was a success in every way.

Sir John Lawrence followed the so-called policy of masterly inactivity with regard to Afghanistan. He would not like to interfere

into the internal affairs of that country unless some other power tried to interfere in the same country. In that case, the Indian armies were to go to Afghanistan to help the Afghans. He refused to side with any party in the struggle for succession to the throne after the death of Dost Mohammad. He was always prepared to accept the *de facto* ruler of the country. This policy was followed by Lord Mayo and Lord Northbrook. It was reversed by Lord Lytton with disastrous consequences.



Lord Lawrence

He had to fight the Bhutan War. The Bhutanese used to make raids into the Britishterritory. Mr. Ashley Eden was deputed to negotiate on the question of raids. The Bhutanese forced Mr. Eden to sign a humiliating treaty by which the Duars were surrendered to them. When the British Government came to know of it, it repudiated the treaty and sent a huge force. To begin with, the English were defeated. However, later on they were able to recover their position. Ultimately, a treaty was made by which the Bhutanese surrendered Duars and they were to get an annual subsidy.

In 1866, there was a famine in Orissa. There was a terrible loss of life. The Government utterly failed to come to the rescue of the people. There was another famine in 1868-69. It affected Rajputana and Bundelkhand. A Famine Commission was appointed to consider the best means of fighting famines. Every effort was to be made by the Government to prevent deaths by starvation.

Lawrence did a lot for the economic progress of the country. A large number of railways, canals and public works were started. He also started the principle of raising money for reproductive works.

John Lawrence was an advocate of the cause of the peasantry. By the Punjab Tenancy Act, the occupancy rights of the tenants were recognised in certain cases. This law is known as the "bulwark and a charter of a contented peasantry." By the Oudh Tenancy Act, about one-fifth of the total number of ryots were granted occupancy rights at fair rents. Rent was to be increased only through a court of law. Both these laws were passed in 1868.

V. A. Smith gives his estimate of John Lawrence in these words : "The validity of the arguments against the appointment of a member of the civil service of India to the office of the Governor-General was confirmed rather than discredited by the history of viceroyalty

of Sir John Lawrence He was never able to shake off the habits of the Punjab official of old days and admittedly was too indifferent to the ordinary daily maintenance of the dignity of great office. His reputation rests upon his administration of the Punjab after the annexation and on the invaluable services rendered by him at the time of the Mutiny, not on his work as Viceroy, which could have been done as well or better by a worse man."

According to Temple, "The prevailing sentiment in his public life was a love for duty. Though his temper was strong, and on occasion swarm, yet in his nature judgment and reason reigned supreme. As a subsidiary element caution was present with him in the highest degree, and there never was in India a more cautious statesman than he. It being an object of the first importance with him to foresee the course of all affairs, he remembered that prescience could be acquired only by careful reflection....To weigh both sides of every question evenly and strike the balance, to eliminate passion, favour, prejudice or misleading sentiment, and fix the gaze on exact justice alone, were maxims uppermost in his mind. He acted according to this principle in judging of the conduct and character of officers whose fates he held in the hollow of his hands. To those who, notwithstanding their gifts and accomplishments, lacked the fundamental condition of zeal for public duty he would show no consideration. In equitable discrimination of the diverse moral and intellectual qualities of the numerous subordinates under his command he has not been surpassed by any man of his generation in India. He did not at that time arouse so much enthusiasm as his brother (Henry) among large numbers of men, nor win so extensive a popularity. But he was respected by all, admired by most and beloved by many."

According to Lord Lytton, "No statesman since Warren Hastings has administered the Government of India with a genius and an experience as exclusively trained and developed in her service, as those of the illustrious man whose life, now closed in the fullness of time, though not of age, bequeaths to his country a bright example of all that is noblest in the high qualities for which the civil service of India has justly been renowned, and in which, with such examples before it, it will never be deficient."

According to Lord Curzon, "The fact is that Lawrence was unfitted both by temperament and training for work in the peculiar conditions by which the Viceroy is bound. Essentially a man of action rather than of speech, he was intolerant of discussion and debate, and could not accustom himself to the slow and ponderous procession of the departmental files. All his life he had been used to give orders and to be obeyed ; now he was in harness with a troublesome and factious team whom he could not in general overrule, and moreover he found himself not merely thwarted but widely traduced. He was exceedingly sensitive under attack, had not the resilience of temper to make him react to the situation as it developed, and, in common with many other Viceroys, thought himself insufficiently supported at home." Again, "The reign of Sir John Lawrence, honourable and strenuous as it was, was generally regard-

ed as demonstrating the undesirability of raising even the most eminent of Indian civilians to the Viceregal throne. Allowing that personal idiosyncrasies were the most potent factor in this particular case, the administration of Lawrence did incidentally suggest that the potential danger of the experiment exceeded its advantages, and it has never since been repeated."

Lord Mayo (1869-72). Lord Mayo succeeded Sir John Lawrence. Although he was selected by Disraeli, he was not disturbed by Gladstone when he became Prime Minister. He was popular with the Indian princes and the European community. He had a charming personality.

As regards Afghanistan, he continued the policy of Sir John Lawrence. It is true that he met Sher Ali, the Afghan ruler, at Ambala in 1869, but he refused to commit himself. He was able to win over Sher Ali by his tact and personal charm.

Lord Mayo was responsible for the foundation of the Mayo College at Ajmer for the education of the children of the Indian princes. Duke of Edinburgh, the second son of Queen Victoria, visited India in 1869.

The Red Sea cable was laid in 1870. This brought about a lot of change in the position of the Governor-General *vis-a-vis* the Home Government. According to Lord Curzon, "The introduction of the electric telegraph marked the beginning of the change. The Governor-General both lost and gained in the process. On the one hand, a very necessary check was placed upon his initiative, and he could no longer wage war or make treaties, or commit his employers in England behind their backs, conscious that even if, a year after the event, they censured the agent, they could not reverse the act. The Governor-General ceased henceforward to be a quasi-independent potentate. A Wellesley or a Hastings, perhaps even a Dalhousie, became impossible. On the other hand, though the Viceroy was still exposed to the curb of Whitehall, sometimes pulled in his mouth with quite unnecessary violence, he has freed from the tempestuous caprice of the Court of Directors and the internecine conflict between the rival authorities in London. The loss of concrete power was compensated by the greater security of position. Viceroys may still be obliged or may elect to resign. But we no longer read of the acrimonious exchange of affronts, almost of insults, of abrupt dismissals, and petulant recalls. (*British Government in India*, Vol. I, p. 108.)

Lord Mayo started the process of decentralisation of finance in India. He took the first step in this direction in 1870. The provinces were given a certain amount of money and also certain departments for management.

Lord Mayo was assassinated in 1872 by a fanatical Pathan in the Andaman Islands. According to Dr. Smith, "Lord Mayo during his three years of office justified the hopes of the statesmen who had appointed him, and proved himself to be a thoroughly efficient Governor-General and Viceroy. His exceptional personal charm endeared him especially to the rulers of the protected States who regarded him as the ideal representative of the sovereign. He worked hard at all

the problems of administration and lost his life owing to his zealous efforts to improve the defective system of government in the convict settlements of the Andaman Islands." According to P. E Roberts, "His winning manners and universal popularity were more than engaging personal attributes—they became imperial assets of great value. They won for him the real regard and willing co-operation of the protected chiefs and enabled the complicated mechanism of Indian bureaucracy during his viceroyalty, to work with a minimum of friction and maximum of efficiency." In the words of Rushbrook Williams, "With the Governor-Generalship of Lord Mayo, we may trace the beginning of that steady development of India along lines leading inevitably to the direction of responsible Government within the British Commonwealth."

Lord Northbrook (1872-76). Lord Northbrook was a man of caution. He was possessed of a high character and sound administrative experience. He did not try to introduce anything new and merely followed the policy of his predecessors. To quote him, "The main object of my policy was to let things go quietly on—to give the land rest." He declared in 1873 that "my aim has been to take off taxes and stop unnecessary legislation." He was not a fluent writer or speaker but possessed considerable independence of judgment.

As regards Afghanistan, he continued the policy of Lawrence and Mayo. He held a conference with the Afghan envoy at Simla in 1873 but refused to commit himself. He resigned in 1876 as his views differed from the Government of Disraeli with regard to the policy in Afghanistan.

In his time, the Kuka movement got a momentum in the Punjab. The Kukas were very daring and murdered many Muslims. Every punishment awarded to the Kukas added to their fanaticism and strength. In 1878, a band of these Kukas attacked the Fort of Malodh near Ludhiana. Another band tried to enter the town of Malerkotla. An attempt was made to capture the treasury and make the people revolt. The Government took timely action. The Deputy Commissioner was able to suppress the rebels. After a summary trial, 50 persons were blown away by guns. There was a lot of agitation and both the Commissioner and Deputy Commissioner were dismissed.

During his period of office, the Gaekwad of Baroda was tried by a commission on the charge of torture of women, attempt to poison the British Resident, spoliation of merchants and banks and maltreatment of the relatives of his late brother. The result of the trial was unfortunate. The official members held the Gaekwad of Baroda guilty, while the non-official members held him to be non-guilty. In spite of this, the Gaekwad was removed from his *Gaddi* on ground of mis-government and misconduct. The Rajah was sent away to Madras.

In 1873-74, a famine broke out in Bihar and a part of Bengal. A lot of money was spent to lessen the sufferings of the people.

According to Lord Curzon, "Lord Northbrook was a quiet sound man of what in England would be termed the Whig type mind,

just and humane in his administration and conscientious in all his acts. He was as unlike his predecessor as the latter had been unlike Lawrence, for he was diffident in manner, disliked all parade and pageantry, and was not a good speaker. I often heard him in later years in the House of Lords, where he was greatly respected but left no impression of power. He never lost his regard for India, and of all the ex-Viceroys was the one who showed the most continuous interest in Indian affairs, corresponding with me regularly during my term of office, as he had done with my predecessors, even though he had left the country for thirty years. Of all the British rulers of India he was also the one with the keenest taste for art. Himself the owner in England of a fine collection of paintings, and possessing artistic susceptibilities of no mean order, he took seriously in hand the completion of the Government House collection of pictures and, under the mistaken idea that the Indian genius could be or ought to be trained in Western schools of painting, accumulated a number of European pictures in the Museum at Calcutta, which in the succeeding quarter of a century were gradually dispersed, having exercised no influence whatever upon the Eastern mind."

Lord Lytton (1876-80). Lord Lytton had great administrative experience at the time of his appointment. He was a great writer and a brilliant speaker. He was specially sent by Disraeli to inaugurate a new spirited foreign policy towards Afghanistan. Suffice it to say that he precipitated the Second Afghan War and was responsible for the disasters which the Indian troops met there. He has been universally condemned for his Afghan policy.

He was responsible for passing the Vernacular Press Act. The details of this Act are given in the chapter on the history of the Press. This Act was a discriminatory one and no wonder the Indians condemned him for that.

Lord Lytton suggested the formation of an Indian Privy Council of ruling chiefs to advise the Viceroy. His suggestion was not accepted, but a similar thing was later on set up in India after the passing of the Government of India Act, 1919 in the form of Narendra Mandal or Chamber of Princes.

Lord Lytton was opposed to the tendency of the courts of India to pass lenient punishments in those cases in which the Europeans were involved.

The British Parliament passed the Royal Titles Act which conferred upon the sovereign of England the title of Kaisar-i-Hind. Lord Lytton held in 1877 a magnificent Durbar at Delhi and Queen Victoria was proclaimed the Empress of Delhi. The effect of this was the lowering of the position of the native princes. However, it was merely a formal declaration of a patent fact.

In 1876-78, a very severe famine visited Madras, Bombay, Mysore, Hyderabad and some parts of the Punjab and C. P. Famine was followed by cholera and fever. Owing to the mis-management and defective relief measures of the Madras Government, there was a terrible loss of life. It took two years to check the famine. The sufferings of the people forced the Government to examine thoroughly

the whole question of famine relief whenever it occurred. A Famine Commission was appointed to go into the whole question of famine-relief. The Commission submitted a report which forms the foundation of the existing relief measures. The main principles adopted were the employment of the able-bodied persons on relief works. Those who were unable to do any work were to be given gratuitous help by the Government. A Famine Fund was to be set up in every province and the object of every province was to contribute every year towards that Fund. That Fund was to be allowed to grow so that the same may be used at the time of emergency. Railways were constructed and canals were to be dug to meet the danger of famines. According to Smith, "Lord Lytton deserves high credit for sound views on foreign policy, thoroughly thought out and expressed with forceful lucidity. The whole existing system of famine administration rests on the foundation well and truly laid by him."

Many financial reforms were carried out in the time of Lord Lytton. These were partly due to the efforts of John Strachy who became the Finance Member after giving up the Lieutenant-Governorship of North-Western Province. Before Lytton, salt tax was levied at different rates in different provinces. Negotiations were made with the various native States which were producing salt and they were asked to give up their right of manufacturing salt in return for some compensation. The result of this was that salt duties were equalised in all the parts of India. The customs-lines or hedges created for the purpose of preventing the import of untaxed salt from native States into British India were abolished.

Lord Lytton followed a policy of free trade. He abolished import duties on 29 commodities. He removed 5 per cent duties on cotton cloth. The result was that there was a lot of expansion in the overseas trade.

Lord Mayo had taken the first step towards financial decentralisation. In 1877, Lord Lytton took the second step. Some more departments were given to the provinces and more sources of revenues were given to them. The object was to give to provinces incentive for efficiency and economy.

Lord Lytton opened the Mohammedan Anglo-Oriental College at Aligarh. Later on, it grew into the Aligarh University

It had been declared in 1833 that no native of British India was to be debarred from holding any office or place on account of his nationality, race and religion, but nothing had been done to redeem these promises. In 1879, Lord Lytton founded the Statutory Civil Service. It was provided that one-sixth of the posts hitherto held by the members of the Covenanted Civil Service were in future to be filled by men of Indian birth nominated by the Local Governments in India with the approval of the Viceroy-in-Council and the Secretary of State. Candidates were to serve two years of probation and pass special tests before their final appointment. The Statutory Civil Service held a position mid-way between the Covenanted and the Un-Covenanted Service. The new scheme was not

a success. It did not succeed in attracting persons from the higher classes. The service was recruited from men who would ordinarily have entered the subordinate service. No wonder, it was abolished after 8 years.

Estimate of Lytton. No Viceroy has been subjected to so much criticism as Lord Lytton. His Afghan policy was condemned not only by the people of India but also by the leaders of the Liberal Party and a majority of the Englishmen It was undoubtedly "a calamitous and unrighteous blunder and on that head alone Lord Lytton's claims to statesmanship are justly forfeit." He is held guilty for the terrible loss of life on account of the famine. While the people were dying of famine, he was busy in holding the Durbar at Delhi. However, it cannot be denied that he was a man of great ideas. Some of his schemes could not be realised because they were before time. He was in favour of a gold standard for India and the country would have gained if his suggestion would have been accepted. He was in favour of separating the North-Western Frontier Province from the Punjab and putting the same under the direct control of the Central Government. His reform was actually carried out by Lord Curzon. It has already been pointed out that his scheme of an Indian Privy Council was given a practical shape in the form of a Chamber of Princes. He also wanted that the Europeans should not be given any lenient treatment when they were involved in cases.

Dr. Smith sums up his estimate of Lytton in these words: "His reputation has been obscured by the lack of adequate biography ; by certain foreign peculiarities of manner and habits which offended conventional opinion ; and above all by reason of the bitter partisan controversies aroused by his Afghan policy executed by him under the instruction of Lords Beaconsfield and Salisbury, the equally venomous criticism of the Vernacular Press Act further discredited him in the popular opinion. These causes have prevented Lytton from attaining the enduring fame promised by the Prime Minister and perhaps may be said to have left a general impression that he was a failure as a ruler of India. If such an opinion exists, it is based upon insufficient grounds. The best parts of his internal policy were of a permanent value, and served as the basis of developments effected by his successors ; while the most essential measures of his Afghan policy, by which I mean the occupation of Quetta and the securing of the Khurram Valley, either remained undisturbed or if reserved for a time, had to be reaffirmed a few years later."

According to Lord Curzon, "A study of the papers, however, both as published at the time and later on in the official records in India, led me to admire the extraordinary ability and resourcefulness with which Lord Lytton conducted his case on paper, and the perfection of the English prose in which his Minutes and Despatches were clothed. Of all the Governors-General and Viceroys, he seemed to me to have the greatest literary gift, not indeed excelling Warren Hastings or Dalhousie in lucidity of exposition or vigour of phrase, but superior to both in the artistic quality of his writing." Again, "It has been said that his picturesque and poetic figure—for Lytton

was picturesque in appearance as well as in fact—was in reality out of date, and that he ought to have been born and to have lived in Elizabethan times. There is pertinence in this observation, for certainly in the picture gallery of Indian Viceroys there is no more singular or indeed startling portrait than his. In the Embassy at Paris he found a more congenial stage for his social and diplomatic accomplishment."[1]

Suggested Readings

AITCHISON, C. S.	: *Lord Lawrence.*
BALFOUR, B.	: *Lord Lytton's Indian Administration* (1899).
CUNNINGHAM, H.S.	: *Earl Canning.*
DHARAM PAL	: *The Administration of Sir John Lawrence in India.*
HUNTER, W.W.	: *Life of Lord Mayo* (1876).
MALLET, B.	: *Northbrook, a Memoir* (1908).
SMITH, B.	: *Life of Lord Lawrence.*
STRACHEY, SIR J.	: *India, its Administration* (1911).
WEST, A.	*Sir Charles Wood's Administration* (1867).

1. "Though often hasty and impulsive, he brought some new fruitful conceptions into the field of Indian politics."

CHAPTER XVI

RIPON TO ELGIN (1880-1898)

Lord Ripon (1880-84). Lord Ripon resembled Lord William Bentinck in many ways. His political outlook was the very antithesis of Lords Lytton and Curzon. He was a true Liberal of the Gladstonian era and had firm faith in peace, self-government and *laissez faire*. So far, the Government of India had merely been doing what it considered to be in the best interests of the country without consulting the people as to what their aspirations and feelings were. According to Burke, "The English nation in India is nothing but a seminary for the succession of officers. They are a nation of placemen. They are a republic, a commonwealth without a people. They are a State made up wholly of magistrates." According to Montgomery, "In India, we set aside the people altogether ; we devise and say that such a thing is a good thing to be done and we carry it out without asking them very much about it." The Indians who were receiving western education and who had come into contact with western democratic institutions, aspired to introduce the same in their country. Lord Ripon sympathised with their aspirations and took steps in that direction. In his famous resolution on Local Self-Government, Lord Ripon declared that his object was to give popular and political education to the people of India. He sincerely desired them to take their first lessons in democracy in the Local Boards which were to be set up in every part of the country. It is true that many Englishmen did not share his views and as a matter of fact opposed him, but Lord Ripon continued to do what he thought to be in the best interests of the people of India.



Lord Ripon

Lord Ripon brought the Second Afghan War to a close. He also repealed in 1881 the Vernacular Press Act which had been passed by Lord Lytton and which was severely criticised by the Indians.

In his letter dated 19th February 1881, to Lord Hartington communicating his decision to repeal the Act, Lord Ripon wrote

thus : "The fact is that the official in India regards the press as an evil, necessary perhaps, but to be kept within as narrow limits as possible. He has no real feeling of the benefits of free discussion."

In the time of Lord Ripon, the entrance of Indians to the Indian Civil Service was very difficult as the examinations were held in England and the age-limit of candidates was fixed at 18. Ripon was in favour of simultaneous examinations but he could not persuade the Council as well as the Home Government to agree to the change. He, however, succeeded in getting the age-limit raised from 18 to 21, thus affording better facilities for Ihdians to compete at the examination in London.

When Sir Richard Garth, the Chief Justice of the Calcutta High Court, went on leave, Ripon appointed Sir Romesh Chunder Mitter to act as the Chief Justice. There was great opposition from the Europeans against this appointment and even Sir Richard Garth himself objected to the appointment.

Local Self-Government. As regards Local Self-Government, Lord Ripon passed a resolution in 1881. It was stated therein that time had come when further steps should be taken to develop the idea of Lord Mayo's Government Agreements with Provincial Governments regarding finance should not ignore the question of Local Self-Government. Provincial Governments were directed to transfer considerable revenues to the local bodies and the latter were to deal with those matter which concerned their localities. The Provincial Governments were asked to make a careful study of the provincial, local and municipal Acts. The object of the inquiry was to find out as to what sources of revenues could be transferred from the provincial heads to the local heads so that the same could be administered by municipal committees. It was also to be determined as to what subjects could be given specially to the local bodies. Only those items were to be transferred which could be understood and appreciated by the people.

In accordance with the resolution of 1881, letters were issued to the Provincial Governments. In those letters, the Government of India hinted on those items of expenditure which could be conveniently transferred to the local bodies. The Provincial Governments were asked to suggest other objects that could be transferred to the local bodies. Provincial Governments were told that "it would be hopeless to expect any real development of self-government if the local bodies were subject to check or interference in matters of detail." It was also pointed out that the Governor-General was anxious to give the fullest possible liberty of action to the local bodies.

The next step was taken by Ripon in 1882 when he issued his famous resolution. In that resolution. Lord Ripon made it clear that the expansion of Local Self-Government was not expected to bring about a change for the better from the point of view of efficiency. To quote him, "It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and

popular education." However, he hinted at the possibility of improved efficiency after some time. There were to be failures at the beginning. Success was possible if the people got encouragement and support from the officials of the Government.

Lord Ripon declared that he was not prepared to admit that the people of India were indifferent towards self-government. As a matter of fact, a large number of intelligent and public-spirited persons were required to lend their services for the cause of the people. Ripon's view was that the system of Local Government had not been satisfactorily tried in the country. The old system was overridden and practically crushed initiative by direct official interference. He emphasized the necessity of putting more faith in the non-official members of the local bodies.

Provincial Governments were directed to maintain and extend a network of Local Boards in every district. The area of jurisdiction of every Local Board was to be so small that both local knowledge and local interest on the part of the people could be secured. The number of non-official members was to be very large and the official element was not to exceed one-third of the whole. Wherever possible, the system of election was to be introduced in Local Boards in as many places as possible.

With regard to the control of the Government, it was stated that it should be exercised from *without* and not from *within*. The Government should revise and check the acts of the local bodies and not dictate them. The sanction of the Government should be made necessary to legalise certain acts of the local bodies. The number of the cases where sanction was required, was to be large at the beginning but the same was to be reduced later on. The Government was to be given the authority to set aside altogether the proceedings of the Local Boards or to suspend them temporarily in the case of crisis and continued neglect of duty. The power of absolute supersession was to be exercised only with the consent of the Government of India. To quote him, "It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the Local Boards, to point out to them matters calling for their consideration, to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions or to act illegally or in any arbitrary or unreasonable manner."

The Indians were to be encouraged to become members of the local bodies and the Government was to do its utmost to help them in the efficient discharge of their duties.

For his reforms in the field of Local Self-Government, Lord Ripon is rightly called the *Father of Local Self-Government* in the country.

Hunter Commission on Education. In 1882, Lord Ripon appointed the Hunter Commission to inquire into the manner in which the principles of Wood's Dispatch of 1854 had worked in the country and also to recommend the future course of action. The

Hunter Commission recommended the withdrawal of the State from direct support and management of institutions of higher education. This work was to be given to the Indians if there was any reasonable prospect of its being done efficiently. Ordinary and special grants were to be made to colleges. The professors of the colleges were to give series of lectures on the duties of men and citizens. Some special steps were to be taken to spread education among the Muslims. All elementary schools were to be inspected and supervised by the educational officers of the Government. A part of the provincial revenues was to be earmarked for purposes of education. The recommendations of the Commission were accepted by the Government and carried out.

Decentralisation of Finance In 1882, Lord Ripon introduced the system of Imperial, Divided and Provincial heads of revenue. Income from the Imperial heads was to go to the Central Government. Provinces were to get all the income from the Departments under their control. Income from the Divided heads was to be divided between the Imperial Government and Provincial Governments. The deficit in the provincial budgets was to be made good by the Imperial Government by giving a fixed percentage of land revenue. The settlement was made for 5 years and was renewed in 1887, 1892 and 1897.

Lord Ripon took keen interest in the welfare of the people. In 1881 was passed the First Factory Act to regulate and improve the conditions of Labour in Indian factories. Children between the ages of 7 and 12 were not to work for more than 9 hours a day. Dangerous machinery was to be properly fenced and inspectors were to be appointed for the purpose of inspection.

Another popular step taken up by Lord Ripon was that he restored in 1881 the Raja of Mysore. However, certain restrictions were put on the exercise of powers by the Raja. All laws in force at the time of rendition of Mysore were to remain in force and efficiently administered. No material change was to be made by the Raja in the system of government without consulting the Governor-General.

As regards Kohlapur, its Raja became insane in 1882. When the Raja died, he was succeeded by another prince.

Lord Ripon completed the free trade policy initiated by Lord Northbrook and Lord Lytton. In 1882, the Finance Minister removed from the tariff all the 5 per cent *ad valorem* import duties. Duties were left on things like salt, wines, spirits, etc. These duties were retained for purely political reasons.

In 1882, salt tax was lowered throughout India. In the field of revenue, Ripon was not successful. His view was that in the districts which had once been surveyed and assessed, the Government should pledge itself to make no other increase of revenue except on the sole ground of a rise in prices. His suggestion was not accepted.

Ilbert Bill. Sir Courtenay Ilbert was the Law Member of the Government of India. He attempted to change the law of the country with regard to the trial of the Europeans. The Criminal Procedure Code of 1873 laid down that except in the presidency towns, no magistrate or Sessions Judge could try a European British subject unless he himself was a European by birth. By this time many Indian members of the covenanted civil service were occupying posts of responsibility and dignity. Justice demanded that the Indian magistrates should be given the same authority as their European counterparts. The Government of India made up its mind to abolish the judicial disqualification based on race distinction.



The Anglo-Indian Mutiny.

Ilbert prepared the bill in 1883 to bring the Indian and European magistrates on the same footing.

The bill in draft was generally approved by Lord Ripon's Executive Council as well as by almost all the provincial governments and was introduced in the Imperial Legislative Council in February 1882. Within a few weeks, the whole of the British community joined in a vigorous denunciation of the bill. A monster public meeting was held in the Calcutta Town Hall where speeches were delivered which went beyond all limits of decency. Similar meetings were held all over the Bengal presidency. The Anglo-Indian and European Defence Association was formed. The non-official European community boycotted Ripon's levies. It was proposed to boycott the government loan. On his return to Calcutta from Simla, Ripon was openly insulted in the streets by planters who had come from the mofussil.

A correspondent in the *Englishman* wrote thus: "The only people who had any right in India are the British. The so-called Indians have no right whatever." The cry of European women in danger was raised. Meredith Townshend wrote thus in the *Spectator*: "*Would you like to live in a country where at any moment your wife would be liable to be sentenced on a false charge of slapping an Ayah to three days' imprisonment, the magistrate being a copper-coloured pagan who probably worships the Linga, and certainly exults any opportunity of showing that he can insult white persons with impunity*?" The Ladies Committee was also formed to oppose the bill.

Lord Ripon and some of the members of his Executive Council as well as the Home Government remained firm. However, the bill was ultimately modified by extending the power to try European offenders only to Indian Sessions Judges and District Magistrates and giving such European offenders the right to be tried by a jury if they so pleased. Lord Ripon and his Government were largely influenced in accepting the compromise by the desire to avoid the

risk of a street row in Calcutta organised by Europeans. In his letter dated 22nd December, 1883, to Lord Kimberley, Lord Ripon wrote thus : "I do not deny, however, that the great weakness of Government for dealing with a European disturbance weighed with me as it did with my colleagues. I had no idea till I came to Calcutta, that the European police force at the disposal of the Bengal Government was so very small (between 60 and 70 men all told). In any riot, the least serious, we should have had at once to call out the troops and I felt and feel still that to employ European soldiers against Europeans in this country would be a step of the gravest kind."

According to Thompson and Garratt, "No educated Indian has ever forgotten the lesson of the Ilbert Bill. They were accustomed to rulers who should be influenced by cajolery and entreaty, bribery or threats of revolt, but it was an entirely new experience to see a government, and especially the aloof and powerful British Government, deflected from its purpose by newspaper abuse and an exhibition of bad manners. In later days Indian nationalism was to acquire some of its techniques from the suffrage movement in England, and more from Irish Home Rulers, but it was the successful agitation against the Ilbert Bill which decided the general lines upon which the Indian politician was to run his campaigns. It is significant that the two years which followed this agitation saw the foundation of the Indian National Congress and the European Association." Again, "Political interest received a great stimulus from the European opposition to the Ilbert Bill. This unhappy dispute served to emphasize the inferior status of Indians. The point was driven home by a succession of cases where man-slaughter of Indians was alleged against British soldiers and civilians. These cases were often treated by the courts in a manner suggesting the half conscious recognition that an Indian life was not so valuable as that of a European. The nationalist movement began to take shape."

According to Roberts, if "Lord Ripon had forfeited popularity among his countrymen, he had at any rate won, by his championship of their cause, the enthusiastic devotion and support of men of Indian birth. On his resignation in 1884, the route of his journey to Bombay was lined with acclaiming and admiring crowds and his name has ever since been enshrined in the hearts of the nationalist party in India as the great champion of their cause on the Viceregal throne." (*British India*, p. 470).

According to Lord Curzon, "Lord Ripon was personally liked and esteemed, for he was an indefatigable worker, a conciliatory colleague, and a perfectly straightforward and consistent man. His friends trembled under the voluminous correspondence which he showered upon them ; but this was a feature of his willingness to argue and his anxiety to convince. He held rigidly to what he regarded as the orthodox and fundamental principles of Indian Government ; and many years later, when I was involved in the struggle to uphold the supremacy of the civil as against the military authority in Indian administration, he made, without any communication to me, a powerful speech in the House of Lords on my behalf, and must have suffered considerable pangs when his colleague,

Lord Morley, hauled down the flag which a little earlier he had so defiantly planted on the walls of the fortress." Again, "The Viceroyalty of Lord Ripon only lasted for four years, and if its termination was viewed without regret by the British community, it excited the most fervid and overwhelming demonstrations from Indians of all classes, who have ever since canonised him as the foremost saint in their political calendar, and still regard him as the real author of that advance towards self-government and nationhood which has in recent times progressed at such a dizzy rate of speed."

According to Meredith Townshend, "After he (Lord Ripon) had ceased to be able to promote to punish any man, all northern and western India, including the pick of the fighting races, prostrated itself at his feet. His journey from Simla to Bombay was a triumphal march such as India had never witnessed—a long procession in which seventy millions of Indians sang *bosanna* to their friend. Lord Ripon had done nothing, had taken off no tax, had removed no burden, had not altered the mode of government a hair's breadth. He was only supposed to be for Indians and against Europeans, and that sufficed to bring evey Indian in a favour of friendship to his side (*Asia and Europe*, p. 108).

According to S. Gopal, Ripon "was idolized by Indians and detested by the vast majority of Englishmen. And the controversy started then has continued to rage. The starched society of Anglo-India ever viewed his activities with bewilderment and pain, and found it difficult to forgive him. As late as 1815, when a statue of his was set up in Calcutta, no subscriptions were forthcoming from English sources, and the monument was paid for entirely by Indians." (*The Viceroyalty of Lord Ripon*, p. 219). Again, "He whom the English condemned as Indophile became to Indians the most English of all Viceroys in that he was the prophet and champion of their freedom. Raja Sir Sahib Dyal, an old friend of Lord Lawrence, said that if ever British power in India were in danger, the authorities should send for Lord Ripon. 'He will do more for you than regiments of soldiers, and our women will sell their jewels and lay them at his feet.' Like Gladstone, Ripon was one of the great apostles of reconciliation between peoples. If Indian nationalism never acquired an exclusive and uncompromising character, if during the many years of struggle the number of British lives lost can be counted on one's fingers, the credit to some extent belongs to Ripon His activities and experience laid the foundations of that free association and broad community of purpose and ideals which today characterize the relations between Great Britain and India. The legacy of these four years could never be wholly lost.

"If often he was wrong and at times absurd,
To us he is no more a person,
Now but a whole climate of opinion.

"Ripon, in short, was not so much the wrecker of on empire as a builder of the Commonwealth. His place in history is alongside ord Durham and Sir Henry Campbell Bannerman. But his task was even more difficult than theirs." (*Ibid.*, p. 224).

According to Lucien Wolfe, "He was not a showy statesman. He hated the 'Palaver' and the limelight. He was not a great speaker or a good writer. But he was industrious, painstaking, honest, and shrewd. He had high purposes and far more than average ability, which, joined with a character of singular nobility and lovableness, once—in the Indian Viceroyalty—almost touched the high water-mark of genius. He served his country through nearly sixty years with such simplicity and so little self-assertion that, at the end, he seemed to fall quite easily into the ruck of political mediocrity. For at that time even his Indian work was only beginning to emerge from the distorting atmosphere of party controversy. The re-reading of his Life to-day in the light of an ample material, and more especially of the lessons of the Great War and of its political and social concomitants, must, I think, reverse this judgment and give to Lord Ripon a high place in the constructive statesmanship of the Victorian and Edwardian epochs." (Preface, *Life of Lord Ripon*, Vol. I, pp. v-vi).

When Ripon relinquished his office in December 1884, there was a spontaneous outburst of demonstrations of goodwill. His journey from Calcutta to Bombay was one triumphant progress in which Indian gratitude expressed itself with touching and tumultuous unanimity and sincerity. In his letter dated 28th November, 1884 to Lord Northbrook, Lord Ripon wrote thus : "I have been overwhelmed with addresses since I left Simla and the task of replying to them has been in many ways difficult. I do not think that I have said anything calculated to give offence to anyone. But I could not honestly speak well of the principles or proceedings of any unscrupulous opponents of last year, or of the lamentable weakness which marked the conduct of the civil service as a body." During his stay in Bombay, Lord Ripon performed the ceremony of laying the foundation-stone of the present Municipal Building opposite to the Victoria Terminus station. The address of welcome was read out by Pherozeshah Mehta who was the President of the Bombay Municipal Corporation. At Town Hall, addresses from many towns in the presidency were presented to Lord Ripon. On the platform behind Lord Ripon, there rose a regular mountain of silver caskets, carved boxes, volumes of parchments, rolls of signatures and illustrative addresses on silks and satins. On the day of his departure from Bombay, the whole town was beflagged and decorated and a solid mass of humanity lined the streets of the way from Parel to Apollo Bunder. In one bazar, the merchants hung up garlands of pearls and diamonds. Ripon's carriage was stopped at the Bhuleshwar and Mumbadevi temples and the Brahmin priests blessed him and applied *kumkum* and rice to his forehead. They presented silver trays to him with coconuts placed in them.

Lord Dufferin (1884-88). At the time of his appointment as Viceroy, Lord Dufferin had a great administrative and diplomatic experience at his back. He had acted as British Ambassador in Turkey and Russia. He was also Governor-General of Canada from 1872 to 1878. He was an eloquent speaker and a man of great personal charm. As he was old, he did not introduce any new reforms and was contented to continue the old ones. According to

Lecky, "He was a great diplomatist and a great statesman ; a man who possessed a degree what was hardly equalled by any of his contemporaries, the qualities of brilliance and the qualities of charm ; a man of unqualified tact and versatility, and who combined with these gifts rare sagacity of judgment and a singularly firm and tenacious will. His rare gift of carrying out great works with the minimum of friction was perhaps the distinctive feature of his great Indian career."

Panjdeh Affair (1884). Reference may be made to the famous Panjdeh incident which brought Russia and Great Britain on the brink of war. In 1884, the Russians annexed Mery. This caused great anxiety in the mind of the Government of India and that of Great Britain. A Commission was appointed to fix the northern boundary line of Afghanistan. A difficulty arose with regard to the position of Panjdeh which was under the Afghanrule. The Russian General ordered the Afghans to leave Panjdeh and when his order was not carried out, he drove the Afghans away forcibly. Finding the situation serious, the Indian armies were assembled at Quetta and the Russian armies at Herat. However, "the disastrous issue of war was averted by the labours of diplomatists, the tact of Lord Dufferin and above all by the shrewd commonsense of Abdur Rahman." Abdur Rahman, the Amir of Afghanistan, declared that he was not sure whether Panjdeh belonged to him or not and he was also not very desirous of keeping the same in his possession. He declared his willingness to give up his claim to Panjdeh if he was given compensation anywhere else. The Amir was determined to avoid a clash between Great Britain and Russia. He knew full well that in the event of a war between the two countries, his country was to suffer because it was to become the theatre of war. Abdur Rahman rightly pointed out that "Afghanistan was between two mill-stones and it had been already ground to powder." To quote Abdur Rahman again, "My country is like a poor goat on whom the lion and the bear have both fixed their eyes and without the protection and help of Almighty Deliverer, the victim cannot escape very long."

When such was the attitude of the Amir, there was no justification for the British troops to clash with the Russian troops. There were lengthy negotiations between Russia, Great Britain, India and Afghanistan and ultimately the line of demareation was settled in July 1887. Abdur Rahman was not a loser in any way. He did not lose either money or territory.

Lord Dufferin entertained Abdur Rahman at a Durbar at Rawalpindi and assured him of British help against foreign aggression.

Third Burmese War (1885). The real cause of the third Burmese War was the attempt of King Theebaw of Burma to secure French help against the British by giving them special privileges and concessions. The Burmese mission visited Paris in 1883 and in 1885 a French envoy went to Mandalay. King Theebaw was a savage and cruel despot and he imposed a heavy fine upon the Bombay and Burma Trading Company and ordered the arrest of its officials. Lord Dufferin insisted on an enquiry to be made into the matter.

King Theebaw refused to reopen the question. Lord Dufferin sent an ultimatum demanding that King Theebaw should admit a British envoy at Mandalay, suspend proceedings against the Company till the arrival of the envoy, have no external relations with foreign countries except on the advice of the Government of India and grant the British the right to trade with the Chinese through his dominions. King Theebaw refused to accept the terms of the ultimatum and consequently war was declared. The Burmese could not stand before the British armies and surrendered. King Theebaw was sent to India and Upper Burma was annexed to India in 1886.

British interference in Upper Burma has been the subject of criticism from many quarters. It is contended that it was no business of the British Government to interfere in Upper Burma even if its ruler was a despot and a savage. The British Government had no justification to interfere into the internal affairs of a neighbouring country whose ruler was absolutely independent to follow any policy he liked. If King Theebaw wanted to have friendly relations with France, it was no business of the British to intervene. It seems that the British Government was determined to check the advance of France into Upper Burma. To quote Lord Dufferin, "If the French proceedings should eventuate in any serious attempt to forestall us in Upper Burma, I should not hesitate to annex the country." According to Roberts, "The ethics of the relations between powerful western empires and weak eastern nations are admittedly difficult to disentangle but it is to be feared that the abstract rights of semi-civilized countries receive scant recognition, when great colonizing powers converge upon them."

Reference may be made to some other events of the time of Lord Dufferin. It was in 1885 that the first session of the Indian National Congress was held at Bombay. On 16th February, 1887 was celebrated the silver jubilee of Queen Victoria. Many Indian princes went to London to see the celebrations in June 1887.

Three Tenancy Acts were passed in the time of Lord Dufferin. The Bengal Tenancy Act of 1885 gave greater security of tenure to the tenants. Their rents were not to be increased arbitrarily. The Oudh Tenancy Act of 1886 aimed at strengthening the position of the tenants by granting them a statutory holding for 7 years with a right to compensation for improvements. The Punjab Tenancy Act of 1887 gave the tenants a limited guarantee against eviction and enhancement of rent.

The Age of Consent Act was passed in the time of Lord Dufferin. By this Act, the age-limit within which protection was given to young girls was raised from 10 to 12. This was intended to improve the lot of women in the country.

In 1886, Lord Dufferin gave the Fort of Gwalior to Maharaja Scindhia. Morar was given up in exchange for the town of Jhansi

According to Lord Curzon, "In his conduct of affairs the Viceroy exhibited a curious mixture of application and indifference. He laboured hard to obtain a mastery of all essential features of the administration and wrote or inspired long and eloquent Minutes and Despatches. He took a great deal of trouble about his public

addressses, which in common with all his speeches were carefully elaborated. He devoted weary hours to the study of Persian, under the quite mistaken impression that it was the language of the educated classes and of the Indian Princes, with whom he hoped to be able to converse in their own tongue. But he was careless about detail, interfered very little in departmental business, and left the conduct of all minor matters to his private secretary and the officials."

Lord Lansdowne (1888-93). Lord Lansdowne belonged to the forward school of thought. He devoted special attention to the question of frontier defence. Between the territory of Afghanistan and that of British India, there was the area known as the tribal territory. The British wanted to conquer it although it was a difficult task. This was not liked by the Afghans. Certain events brought Afghanistan and the Government of India on the brink of war. The Afghans saw with suspicion the completion of the British railway up to the Bolan Pass. The Commander-in-Chief of India, Lord Roberts, behaved in an aggressive way towards the tribal people. In 1890, a British envoy went to Chitral. Happily, the clash between the two countries was avoided and a satisfactory agreement was arrived at. Sir Mortimer Durand was sent to Kabul. Durand travelled without any escort of his own to Kabul and showed that he had complete faith in the Afghans. Arrangements were made to demarcate the boundary line between India and Afghanistan. This line is known as the Durand Line.

The Amir of Kabul agreed not to interfere into the affairs of the tribal area. As a result of the demarcation of the boundary line, the Amir got certain districts and bound himself not to interfere in Swat, Dir, Chitral and Rajaur. The Amir also gave up his claim to Chaman. His subsidy was increased from Rs. 12 lakhs to 18 lakhs a year. He was to be allowed to purchase and import munitions of war and the Government of India was not to raise any objection.

In the case of Manipur, there was a disputed succession. The Commissioner of Assam was deputed to settle the matter but he was treacherously murdered by the Commander-in-Chief of Manipur. The result was that the Government of India sent its troops to Manipur. The Commander-in-Chief and his accomplices were captured and hanged. A boy Raja was placed on the throne under the guardianship of the Political Resident during his minority.

After the death of Sir Robert Sandeman, the Khan of Kalat was found guilty of many acts of violence including the murder of his Wazir, his father and son. He was summoned to Quetta and asked to abdicate. His son was put on the throne and acknowledged as a ruler.

In the case of Kashmir, certain charges were brought against its Maharaja. Those charges were vague and unsubstantiated. In spite of this, the Maharaja was asked to abdicate. The work of administration was put into the hands of a Council of Regency. Kashmir was restored to its ruler in 1905 after the lapse of 16 years.

In 1892 was passed the famous Indian Councils Act which was in some ways an improvement on the Act of 1861.

The new factory law was passed which made certain improvements on the Factory Act of 1881 which was passed in the time of Lord Ripon. According to the new Act, the hours of employment for women were limited to 11 hours a day. The minimum age for children was raised from 7 to 9 and their hours of work were restricted to 7 hours. Night work was absolutely forbidden for children. A weekly holiday was prescribed for all factory hands.

On account of the depreciation in the value of silver, there was a dislocation of the Indian finance. The Government of India closed the mints against the unrestricted coinage of silver and made gold the legal tender. The rate of exchange was fixed at Rs. 15/- to a sovereign.

The armies of the Indian States were organised and came to be known as the Imperial Service Troops.

Lord Elgin II (1894-99). Lord Elgin II was a sound and cautious administrator but there was a lot of trouble during the tenure of his office on account of famine, plague and frontier wars.

Reference may be made first of all to the affairs of Chitral which lies to the north-east of Kashmir. In 1895, the Mehtar or ruler of Chitral was assassinated and there was a disputed succession. The British Political Agent was besieged. The Government of India sent an army of 15,000 men. However, a new Ministry came to power in England and ordered the evacuation of the country. But before that decision could be carried out, another Ministry came to power and that reversed the order of evacuation.

In 1897, the Afridis closed the Khyber Pass. The activities of the British in that area had created strong suspicions in the minds of the Afridis and no wonder a kind of Jehad was started against the British. There was a general revolt throughout that part of the country. Two expeditions were sent and a large number of troops were employed. The result was that the rebels surrendered, laid down their arms and paid fines imposed on them.

In 1896, the bubonic plague started at Bombay. By slow degrees, it spread to the various parts of the country and resulted in a very heavy loss of life. The measures adopted by the Government to check it led to a lot of misunderstanding and unpleasantness among the people. Two British officers at Poona were murdered.

Between 1896 and 1898, there took place a severe famine in U.P., C.P., Bihar and the Hissar district of the Punjab. A Commission was appointed in 1898 to go into the question of famines once again.

During this period, the Government of India was required to tackle the problem of opium production. A Commission known as the Opium Commission had been appointed in 1893 to inquire and report on the effects of the use of opium on the health of the people. As the production of opium was the monopoly of the Government, the Government of India was making huge profits by exporting the same to China. Protests were raised against the practice. The report of the Commission was that the evil effects of opium were exaggera-

ted. The Government of India could not afford to give up its revenues from the production of opium. It was also pointed out that if opium was not imported from India into China, the people of China would use a substitute of an inferior quality and that would have a worse effect. Ultimately, it was decided to reduce the quantity of opium to be sent to China.

A reform was also made in the army. Formerly, there used to be separate Commanders-in-Chief of the three Presidencies. According to the new arrangement, there was to be one Commander-in-Chief of India and under him were put Lieutenant-Generals in the various provinces.

Suggested Readings

FORREST, SIR G.W. : *The Administration of Lord Lansdowne* (1894).

GOPAL, S. : *Viceroyalty of Lord Ripon* (1953).

LYALL, ALFRED : *Life of Marquis of Dufferin and Ava.*

WOLFE, L. : *Life of Lord Ripon.*

CHAPTER XVII

LORD CURZON (1899-1905)

Lord Curzon was one of the greatest and most influential Governors-General of India. He was born in 1859 and he entered Parliament in 1886.[1] Before his appointment as Governor-General of India, he worked as Under-Secretary of State for India. He made a state-entry in Calcutta on 3rd January 1899. A young man of 40, he was full of vigour and energy. He had already visited India four times and possessed an intimate knowledge of the East. He had written three important books on Asian questions. He spent six eventful years in India and can be compared only with Lord Dalhousie. He worked hard not only himself but practically drove his subordinates to hard work.



Lord Curzon

Curzon's Foreign Policy. (1) **His Tribal Area Policy.**[2] When Lord Curzon assumed office, the tribal area on the north-western frontier of India demanded his immediate attention. It has already been pointed out that in the time of Elgin II there arose trouble in Chitral and British forces were sent there to maintain law and order. Those forces were not withdrawn. There was also a Jehad against the British and the English sent two expeditions to meet the situation. In 1899, about 10,000 troops were still in Chitral, the Tochi Valley, Landi Kotal and Khvber Pass. Lord Curzon himself belonged to the *forward school* of thought and it might have been expected that

1. Curzon from his Oxford days spoke and behaved with a superior air. This led to various rhymes by his contemporaries at Oxford and one of them was as under :—

My name is George Nathaniel Curzon
I am a most superior person
My cheek is pink, my hair is sleek
I dine at Blenheim, once a week.

2. "On the north-west frontier, the Government had to face two separate problems, one imperial and the other local."

he would follow a policy of further penetration into the tribal area. However, he followed neither the forward policy nor "back to the Indus" policy. He followed a middle-of-the-road policy. He was not prepared to evacuate Chitral, Quetta and the other frontier posts occupied by the British, but at the same time he was not prepared to carry the policy to its logical conclusion.

What Lord Curzon actually did was that he ordered the gradual withdrawal of the British troops from the tribal area. The place of those British troops was taken by the tribal levies which were trained and commanded by British officers. To give only one example, the Afridis of Khyber Rifles were put in charge of the Khyber Pass. Strategic railways were constructed up to Dargai, Jamrud and Thal. Jamrud was at the entrance of the Khyber Pass and Thal was the gate of the Kurram Valley. The Government of India put a limit on the import of arms and ammunition into the tribal area. The people of the tribal areas were warned that while the Government of India would respect their independence, their outrage on the Indian soil would not be tolerated. The Government of India recruited a special police force for the purpose of protecting the people of India from the tribal raids. The members of this police were always to be on their guard to meet any attack at any time and also to pursue the raiders into the tribal area. Roads were constructed in the tribal area so that there might be no difficulty if the raiders were to be pursued in the tribal territory. The tribal people were given a lot of work at the time of construction of these roads and their maintenance was also given to them so that they might be able to make some money. The Indian troops which were withdrawn from the tribal area were stationed at the cantonments which were established at the borders of the tribal area. These cantonments were linked up with roads. The object of all these measures was to enable the Government of India to rush reinforcements into the tribal area at the time of an emergency.

Previous to Lord Curzon, the north-west frontier districts were under the control of the Lieutenant-Governor of the Punjab and the Government of India had no direct control over them. The result was that everything had to be done through the Punjab Government. This resulted in a lot of delay. Moreover, on account of the pre-occupation of the Lieutenant-Governor of the Punjab with the Punjab affairs, the problems of the north-west frontier were not given the attention that was due to them. That resulted in inefficiency. Lord Lytton had suggested the creation of a separate province under the direct control of the Government of India. However, his suggestion had not been accepted. In 1901, Lord Curzon was able to set up a separate North-Western Frontier Province under the control of a Chief Commissioner who was directly responsible to the Government of India. The new province had an area of 40,000 sq. miles. The move was opposed by some officials of the Punjab, but that had no effect.

The policy of Lord Curzon towards the tribal area was followed by his successors. Lord Curzon himself defended his policy in 1908 in these words : "If anybody had been disposed to doubt the success

of the scheme of frontier policy which had now been in existence for 10 years, his doubts must have been dispelled, and I hope that we shall now hear no more of the wild-cat schemes of advancing into tribal territories, annexing up to the border, and driving routes through the tribal country."

According to Thompson and Garrat, "Lord Curzon did not solve the frontier problem. Many of its difficulties will remain as a legacy. But he introduced a system which has proved to be a sensible compromise between the conflicting views of experts." According to another writer, "The Curzon frontier policy has now been superseded by or perhaps it would be fairer to say has developed into...a new forward policy...not of military conquests but of civilisation."

(2) **Afghanistan.** The relations of the Government of India with Afghanistan were not very cordial from the time of Lord Elgin II. Abdur Rahman, the Amir of Kabul, was in a very difficult position. He was accused by the British Government of creating trouble on his side of the frontier against the British. The Afghans accused him of a weak policy towards the Government of India. On the whole, he followed a policy of caution. He asked his countrymen to maintain peace and not to talk in terms of war. He declared that when the time for war would come, he would himself lead them against the British. Unfortunately, Abdur Rahman died in 1901. His son, Habib Ullah, came to the throne without any war of succession, but the relations of the Government of India with him were not cordial. That was due to the difference of opinion with regard to the interpretation of the treaty between Abdur Rahman and the Government of India. The point of view of the Government of India was that the treaty was a personal one and consequently a new treaty had to be entered into with Habib Ullah The contention of Habib Ullah was that the treaty was between the two countries and consequently there was no necessity of a revision or reaffirmation at the time of a new succession. This resulted in a deadlock. The new Amir did not draw the subsidy which his father was getting from the Government of India and there was practically no intercourse between Afghanistan and the Government of India for three years.

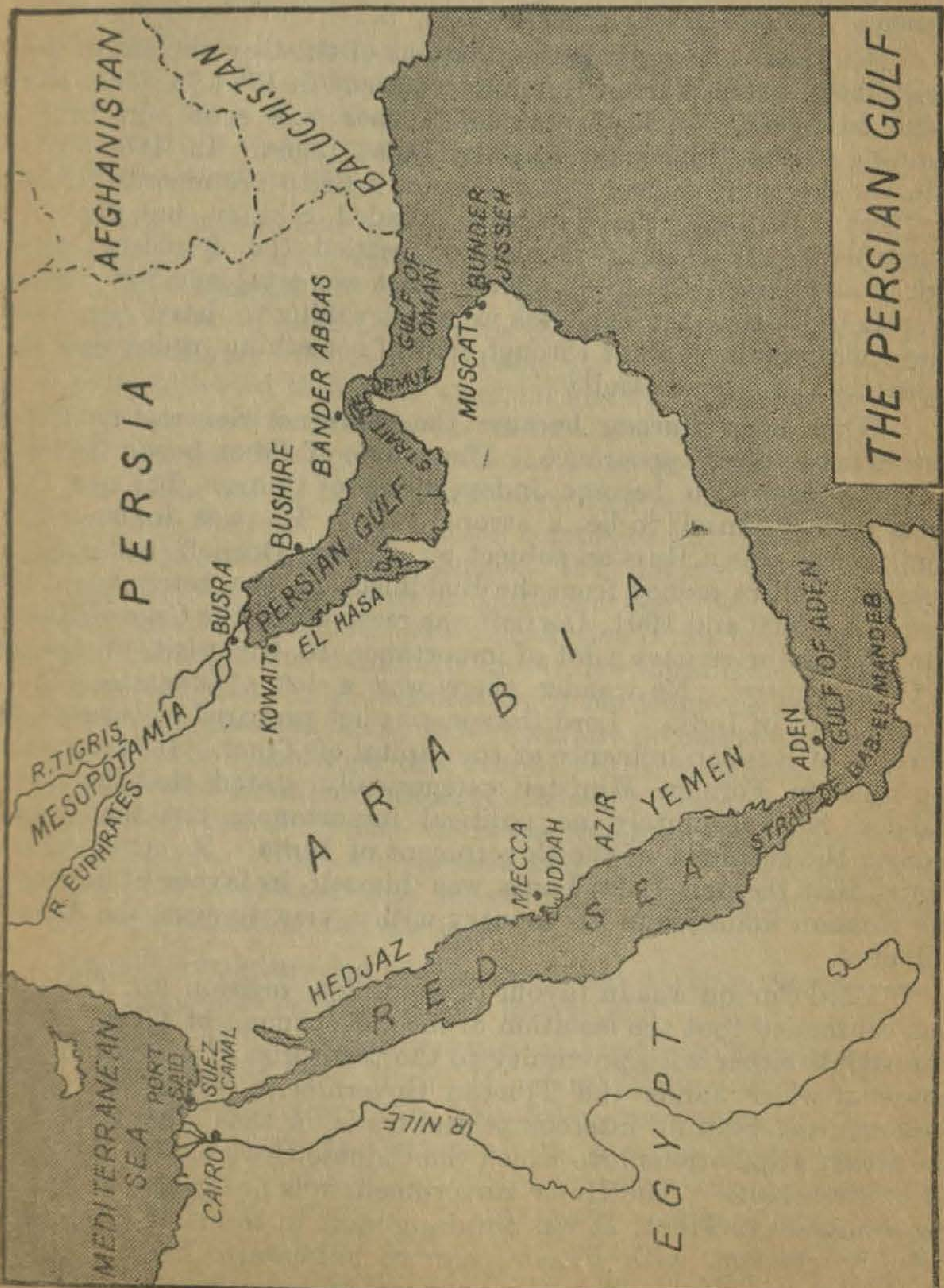
In 1904, Lord Curzon was away in England and in his absence Lord Ampthill acted as the Viceroy. He sent Sir Louis Dane on a mission to Kabul. That mission remained in Kabul for about three months and a half. It is true that certain concessions were made to the Amir of Kabul and his interpretation in the treaty was accepted, and his title "His Majesty" was recognised, but friendly relations were also established between the countries. The Amir agreed to draw the arrears of his subsidy.

(3) **Persian Gulf.** In the time of Lord Curzon, efforts were made by certain powers to establish their hold in one part or the other of Persia, but all those attempts were foiled by the vigilant Viceroy. In 1898, the Sultan of Oman gave to the French Government a coaling station with the right to fortify it. This place was near Muscat. When Lord Curzon came to know of it in 1899, he sent a naval squadron. The Sultan was threatened that if he did not withdraw the

concession, strong action would be taken against him. The Sultan submitted and cancelled the concession.

In 1900, the Russians tried to establish a coaling station on the northern shore of the entrance to the Persian Gulf. That attempt was also foiled.

In 1899, the Government of India entered into an agreement with the ruler of Koweit by which he bound himself not to make any



concession to any foreign power. The result was that when Germany approached him for a site for the terminus of the Berlin-Bagdad railway, he refused.

In 1903, Lord Lansdowne, the Foreign Minister of Great Britain, declared that Great Britain would regard the establishment of a naval base or fortified post in the Persian Gulf by any power "as a very grave menace to British interests which we should certainly resist with all the means at our disposal."

It is true that in certain cases Lord Curzon's policy towards the Persian Gulf was too provocative, but that helped to make the Persian Gulf secure for the British Government. No foreign power was allowed to have a footing from which it might challenge the British.

(4) **Tibet**. As regards the relations of the Government of India with Tibet, it was Warren Hastings who sent in 1774-75 Mr. George Bolgle to Lhasa. In 1783, Samual Turner was sent. In 1811-12, Manning went to Lhasa and met the Dalai Lama. In 1885-86, the Chinese Government gave permission for a British commercial mission to Tibet. In 1886, the Tibetans invaded Sikkim, but they were beaten back. In 1890, a convention settled the frontier between Sikkim and Tibet In 1893, a trade mart was established at Yatung. In spite of all this, the Tibetans were not willing to have free intercourse with India "except through fear of something which they may regard as a greater calamity."

When Lord Curzon became the Governor-General some new factors made their appearance. The people of Tibet began to show a strong desire to become independent of China. The new Dalai Lama proved himself to be a strong ruler. He was influenced by Dorjieff who was a Russian subject by birth. Dorjieff had gone to Russia to collect money from the Buddhists in the territory of the Czar. In 1900 and 1901, Dorjieff was received by the Czar of Russia. The Russian press gave a lot of importance to the visit of Dorjieff to their country. No wonder, there was a lot of uneasiness in the Government of India. Lord Curzon was not prepared to tolerate the increase of Russian influence at the capital of Tibet. It is true that the Russian Foreign Minister categorically stated that the visit of Darjieff had absolutely no political importance, but that did not remove the suspicion of the Government of India. It could not be denied that the new Dalai Lama was himself in favour of increasing the Russian influence in his country with a view to oust the Chinese influence.

Lord Curzon was in favour of sending a mission to Tibet. It was contended that the isolation of the Government of Tibet "is not compatible either with proximity to the territories of a great civilised power at whose hands the Tibetan Government enjoys the fullest opportunities both for intercourse and trade, or that due respect for the treaty stipulations into which the Chinese Government had entered on its behalf." The Home Government was not in favour of sending a mission to Tibet. It was thinking more in terms of establishing friendly relations with Russia than to antagonise her by sending a mission to Tibet. The Government of India pressed hard but the Home Government followed delaying tactics. Ultimately, the Home Government agreed to the despatch of a mission under Younghusband. Once the mission started, it went on and on till it reached Lhasa itself. The resistance by the Tibetans was futile.

Younghusband entered into treaty with the Dalai Lama and that treaty is known as the Treaty of Lhasa (1904). According to this treaty, the Chumbi Valley was to be occupied by the British troops till the whole of the war indemnity was paid. The amount of indemnity was fixed at Rs. 75 lakhs and it was to be paid in 75 equal instalments. Trade marts were to be established at Yatung, Gyantse and Gurtok A British commercial agent was to be stationed at Gyantse but he was given the power to go to Lhasa if circumstances required Great Britain was given complete control over the foreign policy of Tibet. No agent of any foreign power was to be allowed in Tibet. No part of Tibetan territory was to be given to any other country. No concessions were to be granted to any foreign power in the form of railways, roads, telegraph etc. If such concessions were given to any power, similar concessions had to be given to the British Government.

Younghusband had gone beyond the powers given to him and no wonder the Home Government refused to accept the Treaty of Lhasa. The Russian Government protested. Ultimately, in spite of the opposition of Lord Curzon, the Treaty of Lhasa was revised. The war indemnity was reduced from Rs. 75 lakhs to Rs. 25 lakhs. It was also provided that after 3 annual instalments were paid, the British troops were to withdraw from the Chumbi Valley. The British Agent at Gyantse was not to be allowed to go to Lhasa.

There has been a lot of controversy with regard to the Tibetan policy of Lord Curzon. Lord Curzon complained of the uncalled for interference of the Home Government. It is pointed out that it was not proper for the Government of India and the Home Government to differ. Either the Home Government should not have allowed the mission of Younghusband and if it did so, it should not have revised the Treaty of Lhasa. The justification of the Home Government was that the higher interests of the British empire demanded that friendly relations must be established with Russia. The danger of Germany was so great that all other considerations could be set aside. It was under these circumstances that the Home Government had to overrule Lord Curzon. When all has been said, it cannot be denied that the expedition of Lhasa was successful. Undoubtedly, "it was a triumph of organisation and daring."

Internal Administration of Curzon. Lord Curzon carried out a very large number of reforms in very many fields.

Famines. It has already been pointed out that there was a famine in the time of Lord Elgin II. Lord Curzon himself toured the affected areas and asked for help from every quarter. In spite of that, his Government was criticized on account of too much of economy in famine relief and its failure to give concessions to the people in the form of remission of taxation and land revenue. A Commission was appointed under MacDonell to inquire into the administration of famine-relief and to make recommendations for its efficient working. The Commission submitted its report in 1901. It emphasized the lack of real preparation. It suggested the measures to be adopted to check the recurrence of famines and also to remove their defects. It recommended the grant of financial assistance in

time of famine and also emphasized the necessity of preventing demoralisation. The Government was to follow a policy of "moral strategy." It was to take early action to stop demoralisation among the people. The Commission also put emphasis on the advantages of non-official assistance. It also recommended an increase in the railways and the establishment of agricultural banks and irrigation works. The famine codes were revised in the light of the recommendations made by the Commission.

Agriculture. Lord Curzon adopted many measures for the improvement of the lot of the agriculturists. The Punjab Land Alienation Act was passed in 1900. The result was that the lands of the statutory agriculturists could not be got by the non-agriculturists without the consent of the Government. Agricultural banks and co-operative societies were set up for the purpose of saving the agriculturists from the tyranny of the money-lenders. In 1904 was passed the Co-operative Credit Societies Act. This Act provided for the formation of co-operative societies in urban and rural areas. The main object of the Act was to give relief to rural indebtedness. The Government was to render all necessary assistance.

Lord Curzon also tried to apply scientific methods to agriculture in India, To quote him, "Our real reform has been to endeavour for the first time to apply science on a large scale to the study and practice of Indian agriculture." In 1901, Lord Curzon appointed an Inspector-General of Agriculture. He also established an Agricultural Research Institute at Pusa in Bengal "to assist in the solution of the fundamental problems of tropical agriculture." The Government of India gave an annual grant of £130,000 for purposes of research and experimentation.

In 1901, a Commission was appointed to go into the question of irrigation in India. Sir Volvin Scott-Moncrieff was appointed its Chairman. The Commission submitted its report in 1903. It recommended an expenditure of Rs. 44 crores in 20 years. It was expected to increase the area under irrigation by 6½ million acres. Lord Curzon accepted many of the recommendations of the Commission. The result was that the Punjab canals were improved. The construction of the Upper Chenab Canal, the Upper Jhelum Canal and the Lower Bari Doab Canal was started.

Railways. Before Lord Curzon, there existed two systems of railway management. Some railways were managed by Companies and the others were managed by the Government of India through the Public Works Department. Lord Curzon appointed Sir Thomas Robertson to report on the railway system in India. The latter submitted his report in 1903. He recommended a complete overhauling of the whole system. His view was that railways should be worked "more as commercial enterprises than they have been in the past." Lord Curzon abolished the Railway Branch of the Public Works Department in 1905. The work of railways was given to a Railway Board of three members. New railway lines were opened. More than 28,150 miles of railway lines were completed and about 3,167 miles were under construction.

Police Reforms. The police system introduced in 1861 was not up to the expectations of the people and there was a lot of dissatisfaction when Curzon assumed office. In 1902, Curzon appointed the Fraser Commission to inquire into the working of police administration in the country. After a thorough investigation of the matter, the Commission submitted its report. It criticised in strongest terms the working of the police system. To quote, "The police force is far from satisfactory ; it is defective in training and organisation ; it is inadequately supervised ; it is generally regarded as corrupt and oppressive ; and it has utterly failed to secure the confidence and cordial co-operation of the people."

The recommendations of the Fraser Commission aimed at the utilisation of indigenous local institutions, employment of a better class of people with improved position and prospects, making arrangements for the better training of officers and rank and file, and closer supervision of the lower cadres in the police force.

(1) The Commission recommended the substitution of direct recruitment in place of promotion to higher ranks from lower ranks. (2) The minimum pay of a constable was to be such as to give him a reasonable living wage and was not to be less than Rs. 8 p. m. in any case. (3) The Commission recommended an increase in provincial police force and the employment of existing village agencies available for police work. The system of beats of villages was to be abolished. The visits of the police constables to villages were to be restricted for the purpose of obtaining specific information. (4) The establishment of training schools for the training of constables and officers was also recommended. (5) The Commission recommended that the investigation of offences should be made on the spot. The detention of suspects without formal arrest was to be declared illegal. The practice of working for or relying on confessions was to be discouraged. The police work was not to be judged by statistics, but by local inspection and inquiry. (6) A Criminal Investigation Department was to be set up in every province and it was to work under the Central Government with its Director of Criminal Intelligence. The Government of India accepted the recommendations of the Commission. The implementation of the recommendations increased the police expenditure considerably. It was £26,91,344 in 1901-2 and it was £46,02,977 in 1911. However, there was no proportionate improvement in the working of the police system.

Military Reforms. Certain raforms were carried out in the military sphere. Between 1902 and 1904, Moplahs, Gurkhas and Punjabis replaced local recruits in infantry and cavalry to a large extent. In 1900, the native infantry was reorganised into four double Company battalions. Native officers remained in charge of each Company for internal administration, but British officers commanded them in parade and in the field.

Under Lord Kitchner, the native regiments were rearmed. Better guns were supplied to the artillery. The whole of the transport system was overhauled. In 1901, the Imperial Cadet Corps consisting of youngmen of princely and noble families was started. The services of the Indian army were utilised abroad. The Indians were

employed against the Boxer insurgents in China and also in Somaliland. Indian troops in South Africa helped to save Natal and Ladysmith.

In 1871, a Naval Defence Squadron had been set up for coastal defence. In 1903, the Indian defence was taken over by the Royal Navy and internal Defence Squadron was abolished.

While Kitchner made useful reforms in the army, his influence in the matter of army control proved disastrous. He was determined to secure for himself complete authority over military affairs, whether executive or administrative. He wanted to reduce to impotence the military member of the Executive Council of the Viceroy. Lord Kitchner criticized the existing dual system in these words: "There is no doubt that if we had a big war on the frontier, there would be a frightful crash. A system under which transport, supply, remounts, ordnance are entirely divorced from the executive command of the army, and placed under an independent authority, is one which must cost an entire reorganisation as soon as the war is declared—rather late to begin." Lord Kitchner recommended the abolition of the dual control and the putting of the whole of the military administration under a single individual member known as "Commander-in-Chief and War Member of the Council."



Lord Kitchner

The Home Government did not appreciate correctly the point involved in the controversy. Lord Roberts and Lord Lansdowne supported the compromise scheme for a member for military supply. Lord Curzon opposed the creation of a single army department of which the Commander-in-Chief was the head and to whom the whole business of military administration was to be transferred. A compromise was suggested. The Commander-in-Chief was to control exclusively the strictly military departments of all the administration and he alone was to possess the right to speak in the Executive Council of the Governor-General as an expert of military affairs. Other subsidiary departments, not purely military, were to be put in charge of a military supply member. Lord Curzon did not approve of the compromise formula and resigned. He was definitely of the opinion that the new arrangement was defective. His view was vindicated at the expense of the Indian soldier and British honour in the Mesopotamian fiasco when the Commander-in-Chief failed to perform his main duty of command.

Decentralisation of Finance (1904). The Quinquennial Settlement made by Lord Ripon in 1882 was declared quasi-permanent.

Indian Universities Act, 1904. Lord Curzon tried to reform the education system in the country. He summoned a conference at Simla in 1901 and to this conference were invited the highest educational officers of the Government and the official representatives of the leading universities. The conference was followed by a Universities Commission. This Commission was presided over by Sir Thomas Releigh who was the Law Member of the Government of India. Indian members were also associated with it. The Commission submitted its report and the Universities Bill was framed accordingly. The principal features of the Bill were explained by Lord Curzon in these words : "Its main principle is to raise the standard of education all round, and particularly, of higher education. What we want to do is to apply better and less fallacious tests than at present exist, to stop the sacrifice of everything in the colleges which constitute our university system, to cramming, to bring about better teaching by a superior class of teachers, to provide for close inspection of colleges and institutions which is now left practically alone, to place the government of the universities in competent, expert and enthusiastic hands, to reconstitute the Senates, to define and regulate the powers of the Syndicates, to give statutory recognition to the elected Fellows who are only appointed on sufferance. To show the way by which our universities, which are now merely examining bodies, can ultimately be converted into teaching institutions ; in fact, to convert higher education in India into a reality instead of a sham."

Although the Indian Universities Bill was severely criticised by the people, it was passed in 1904. The provisions of the Act are given in another chapter on Education. Suffice it to say that this Act completely officialised the Indian universities.

Reform of the Bureaucratic Machinery. One of the difficulties that Lord Curzon found in carrying out his policy of centralisation was the unsatisfactory condition of the bureaucratic machine which had settled down in a well-worn groove and become "clogged and over-weighted in all its parts." The amount of noting and report-writing that was going on in the Government departments was so great that it took interminable time to wade through the file of a single case. According to Lord Curzon, "The system of working here is so radically vicious that a stage arises at which a question gets tied up in a tangle of manuscript and print in which the real issues are utterly obscured and from which no one seems able to extricate it." Curzon compared the system to a "gigantic quagmire or bog" into which every question that comes along sinks down. "Unless you stick a peg with a label over the spot at which it disappeared and from time to time go round and dig out the relics, you will never see anything of them again."

Lord Curzon had come across cases which had taken years to reach him. There was one case which was lingering on for full 61 years.

Lord Curzon's recommendations were embodied in the formation of regulations drawn up by a committee of departmental secretaries

and put into force throughout the Central Secretariat. Copies of the regulations were sent to the Provincial Governments for enforcement in their respective secretariats. Lord Curzon tried to induce the departments to settle their business by personal consultation, avoid protracted controversies and reduce the practice of noting and prevent delay in arriving conclusions.

Lord Curzon also tried to effect considerable reduction in the printing of Government reports and statistics. According to Fraser, that was not a wise step. On account of their reduction in size, the reports of the Government became "a repellent collection of the driest bones imaginable" The Government failed to appreciate the importance of supplying statistics to the people.

The Calcutta Corporation. Lord Curzon got an opportunity to curtail the sphere of local self-government in India. A Bill to amend the Calcutta Corporation was before the Bengal Legislative Council. It was introduced as a result of the agitation carried on by the anti-Ripon organisation. The critics maintained that the Calcutta Corporation as then constituted was unfit to deal with the difficult problem of sanitation. The object of the new Bill was to decrease the powers of the Calcutta Corporation and to give more authority to the executive. The majority of elected representatives was retained in the Corporation, but "actual control over the affairs of the city" was transferred "to the executive committee largely British in character and composition."

Lord Curzon characterised this device as a clumsy and mischievous form of dualism. Ultimately, the Bill was changed according to his wishes and it became law in 1900. The new Act reduced the size of the Calcutta Corporation from 75 to 50. The 25 elected members of the Corporation who were the representatives of the ratepayers were cut down. The British element was given a definite majority. The Corporation became an Anglo-Indian House. According to S. N. Banerji, the Act of 1900 marked the extinction of local self-government in Calcutta.

Status of Presidency Governors. Lord Curzon believed in a policy of centralisation in every field. He wanted to gather all the leading strings into his own hands. He wished to know everything that was happening in all parts of India. He could not tolerate the least signs of independence on the part of officials, however high and dignified their position might be. This is illustrated by the unsuccessful attempt made by him to reduce the status and power of the Presidency Governors.

Lord Curzon did not approve of the attitude of aloofness assumed by the Governors of Bombay and Madras. In 1899, he wrote to the Secretary of State for India thus: "Decentralisation is all very well, but it appears to me in the case of Bombay and Madras to have been carried to a point in which the Supreme Government is nowhere, and in which the petty kings of those Governments are even conscious that responsibility attaches to any one but themselves."

Lord Curzon complained of the silence of the Governors of Madras and Bombay and asked them to keep him informed of the events in their provinces. He suggested that the position of Presidency Governors should be reduced to that of the Governors of U.P., etc. His contention was that his proposal possessed the additional merit of reviving the popularity of the Indian Civil Service by adding two more attractive posts. However, his views were not accepted by the British Cabinet.

Policy of Officialisation. Lord Curzon believed that the Indians were lacking in all those qualities which made Englishmen good administrators. He had no faith in governing through the people or with their aid. He decided to reserve all higher posts for Englishmen. According to him, Englishmen possessed, partly by heredity, partly by upbringing and partly by education, the knowledge of the principles of government, the habits of mind and the vigour of character which are essential for the task. The key-note of his government was that "the bureaucracy knows what is for the good of the people." He had no faith in the policy of educating Indians for self-government. He had no wish to sacrifice efficiency in the present for efficiency and freedom in the future. His faith was efficiency then and now.

The result was that the share of the people in the administration of the country decreased during the Viceroyalty of Lord Curzon and the development of self-governing institutions received a setback. According to Henry Cotton, "Lord Curzon had weakened and discouraged the schemes of self-government. He had officialised the universities and as far as possible the whole system of popular education ; he had substituted a system of nomination to government service in place of competitive examination ; and he had announced a practical declaration of race disqualification for the higher public offices. The end in view was to officialise the administration by every means in his power and this sinister aim was known to be underlying the partition of Bengal."

Lord Curzon held the Indians in contempt. In his Convocation Address to the Calcutta University in 1905, he declared thus : "I hope I am making no false arrogant claim when I say that the highest ideal of truth is to a large extent a western conception......... Undoubtedly truth took a high place in the moral codes of the West, before it had been similarly honoured in the East where craftiness and diplomatic wile have always been held in much repute. We may prove it by the common innuendo that lurks in the words 'oriental diplomacy' by which is meant something rather tortuous and hyper-subtle."

Reference may be made to a few other reforms carried out by Lord Curzon. The Mines Act and the Assam Labour Act were passed to give some protection to labour. The recommendations of the Currency Commission were given effect to in 1899 by establishing a 16 *d.*-rupee ratio and the gold exchange standard. Lord Curzon also levied countervailing duties upon bounty-fed sugar from Germany. He appointed a Director-General of Archaeology and passed in 1904 the Ancient Monuments Protection Act by which the Government

took under protection the old historical buildings. Lord Curzon also provided for the appointments of the Chief Inspector of Mines, the Sanitary Inspector, Inspector-General of Agriculture, Inspector-General of Irrigation and Director-General of Intelligence.[1]

Partition of Bengal, 1905. The large size of the province of Bengal with its huge population of 78 millions was considered to be too much for administration by a Lieutenant-Governor. Lord Curzon divided it into two parts. A new province of Eastern Bengal and Assam was created by amalgamating Assam and Chittagong with 15 districts of old Bengal The new province was to have an area of about 106,000 sq. miles and a population of about 31 millions.

Regarding the reaction of the people to the partition, Sir S. N. Banerjee writes thus : "The announcement fell like a bombshell. We felt that we had been insulted, humiliated and tricked. We felt that it was a deliberate blow aimed at the growing solidarity and self-consciousness of the Bengali-speaking population. Originally intended to meet administrative requirements, we felt that it had drawn to itself a political flavour and complexion, and, if allowed to be passed, it would be fatal to our political progress and to that close union between Hindus and Muslims upon which the prospects of Indian advancement so largely depended."

The people of Bengal regarded the partition as a challenge to their nationalism and a strong agitation flared up. It was cleverly manipulated by the literary and legal classes whose vested interests were considered to be threatened by the new change. To the Government, the partition of Bengal was merely a readjustment of administrative boundaries. To the Indians, it meant the partition of a nation, an attempt to divide a homogeneous people, a deliberate and sinister attack upon the traditions, history and the language of the Bengalees. The partition split the Hindus of Bengal into two parts. In Eastern Bengal, they were out-numbered by the non-Bengalees. Lord Curzon refused to accept the proposal that Bengal, like Bombay and Madras, should be ruled by a Governor assisted by an Executive Council. He refused to submit to the agitation started by the people. The result was that the agitation went on growing in proportions with the lapse of time. It became a great national movement which agitated the minds of all the Indians. No wonder, the partition had to be cancelled in 1911.

Estimate of Lord Curzon. There is a lot of difference of opinion with regard to the achievements of Lord Curzon. It is probably true that much of the unrest in India was due to the restless energy of Lord Curzon. He condemned the people of India altogether. He had great contempt for them. He believed that Providence had appointed the Englishmen to carry on the administration of India and he would be going against the will of God if he gave any concessions to the people. To quote him, "If I felt that we were not working here for the good of India in obedience to a higher law and a noble aim, then I would see the link that holds England and

1. "Lord Curzon's period of office was specially notable for a drastic overhauling of the whole machinery of administration."

India together severed without a sigh. But it is because I believe in the future of this country and the capacity of our race to guide it to goals that it has never hitherto attained that I keep courage and press forward." He refused to consider the public opinion in the country because, to quote him, "I searched my conscience and I asked myself who and what are the real Indian people." According to him, the Congress was "tottering to its fall, and one of my great ambitions while in India...is to assist it to a peaceful demise." Lord Curzon declared in 1905 : "That I have not offered political concessions is because I did not regard it as wisdom or statesmanship in the interests of India to do so. More places on this or that Council for a few active or eloquent men will not benefit the ryot."

According to Setalvad, "Lord Curzon was a very talented, efficient and hard-working Viceroy and he brought the whole administrative machine to a pitch of efficiency. He was, however, a great imperialist and always had visions of enlarging the extent and influence of the British empire. He looked upon India as a great asset for maintaining and extending the domination of Britain over large portions of the earth." Again, "He never thought or dreamt of independent India. In those days, it was said by people that Lord Curzon loved India as one loved his dog, a useful and obedient slave. His great strength of character as a stern administrator was illustrated by the action he took with regard to certain happenings in Burma. An offence of a most revolting character was perpetrated on a Burmese woman by a British soldier. Military authorities on the spot showed a culpable disposition to hush the matter up and were seconded in their apathy by local court officials. The prosecution of the soldiers concerned broke down on technical grounds although it was plain to every one that acquittal involved a gross miscarriage of justice. With the concurrence of the Commander-in-Chief, Lord Curzon dismissed the culprit from the army ; high military officers were severely censured and in certain cases relieved of their command ; the regiment was banished for two years to Aden and all leave and indulgence were stopped ; the civil officers were severely censured and an Order-in-Council was issued in which the 'sense of profound horror and repugnance' with which the incident was viewed by Government was placed on record and 'the negligence and apathy that were displayed in responsible quarters' were reprobated."

Lord Curzon possessed great initiative, will power and eloquence. He was too much devoted to his duty. He worked hard in spite of his bad health, physical pain and domestic sorrow. He believed that Englishmen's justification in India lay in giving Indians a little more of "justice or happiness or prosperity, a sense of manliness or moral dignity, a spring of patriotism, a dawn of intellectual enlightenment, or a stirring of duty where it did not exist before." His view was that he had "worked for no other aim. Let India be my judge." He was a worshipper of efficiency and his false God made him commit many a blunder. According to Mr. Montagu, "Lord Curzon was like a motor-driver who spent all his energy and time in polishing the different parts of the machinery but he drove it

without any destination. Like Dalhousie, he sowed the wind and left to his successor to reap the whirlwind. Although he was a great administrator, he was a failure as a statesman." According to Rash Behari Ghosh, "Lord Curzon left undone everything which he ought to have done and did everything which he ought not to have done."

According to Dr. Pattabhi Sitaramayya, 'His curtailment of the powers of the Calcutta Corporation, his Official Secrets Act, his officialization of the Universities which made education costly, . . . his Tibetan Expedition . . . and finally his Partition of Bengal, broke the back of loyal India and roused a new spirit in the nation. Even more galling to our sense of self-respect than his speech in Calcutta regarding our untruthfulness, was his sweeping charge that we Indians were, by our environment, our heritage and our upbringing, 'unequal to the responsibilities of high office under British rule'."

We may conclude with the following words of P. E. Roberts: "Whatever errors, whatever failures—and both error and failure are inseparable from human agency—critics may detect in his six years of office, it cannot be doubted that when the cloud belts of contemporary detraction have cleared away, Lord Curzon's name will stand amongst the foremost of those that make up the illustrious role of the Governors-General of India." (*British India*, p. 557).

Suggested Readings

ARTHUR, SIR G. : *Life of Lord Kitchner.*

FRASER : *India under Curzon and after.*

RALEIGH, T. (ED) : *Lord Curzon in India.*

RONALDSHAY, LORD : *Life of Lord Curzon.*

CHAPTER XVIII

LORD MINTO TO RADHAKRISHNAN (1905-1962)

Lord Minto II (1905-10). Lord Minto, the successor of Lord Curzon, was the great grandson of Lord Minto who was the Governor-General of India from 1807 13. He had a chequered career. He fought in the Second Afghan War and also worked as Governor-General of Canada from 1898 to 1904. Prof. Dodwell has summed his character in these words : "The new Governor-General was no politician, but had enjoyed a wide and varied experience of men. He had always been a keen sportsman ; he had served for many years in the army, and fought in the Second Afghan War, and in Egypt ; he had taken an active part in the local administration according to the admirable tradition of English aristocracy, and he had occupied the high administrative post of the Governor-General of Canada. He had, therefore, seen men from many angles and his vision derived from this experience a solidity which is denied to those who only watch life from the study window, or confuse the problems of statesmanship with the fluctuations of party debate. In addition to these advantages, he has acquired in his entirely practical career the art of managing men, the knack of getting his own way or as much of it as circumstances permitted, without domineering over or irritating those with whom he worked."

Lord Minto had to deal with a very difficult situations created by the partition of Bengal. As time passed on the agitation became stronger and stronger. No amount of repression on the part of the Government succeeded in crushing the movement. British goods were boycotted and violent speeches were made against the British Government. Many murders and dacoities were committed. The object of all these was to terrify the British imperialists in the country. Attempts were made on the lives of magistrates, police officials, collectors of revenue, etc. Even the informers of the Government were not spared. Their relatives also became the targets. The Government passed many severe laws such as the Acts of 1908 and 1910. Thousands of people were put behind the bars. Some of them were deported from the country.

Anglo-Russian Convention (1907). Another important event of the Viceroyalty of Lord Minto was the Anglo-Russian Convention of 1907. By this, all the outstanding differences between Great Britain and Russia were settled, and the two countries came nearer to each other. As regards Afghanistan it was settled that Russia was to deal with Afghanistan through the Government of India. It is to be noted that Habib-Ullah, the Amir of Afghanistan, did not approve of the accord because he himself was not consulted. As regards Persia, its territorial integrity and independence were guaranteed both by Russia and Great Britain. It was also agreed

that Northern Persia was to be under the sphere of influence of Russia and Southern Persia under the sphere of influence of Great Britain. Neither was to have any influence in Central Persia. As regards Tibet, both Great Britain and Russia agreed to accept the territorial integrity of Tibet and also abstain from interfering into its internal affairs. They both agreed to deal with Tibet through China and not to send any emissary to Tibet. Evidently, the object of preventing the spread of Russian influence in Tibet was achieved.

Trade with China. From the time of the English East India Company the Government of India used to export a lot of opium to China. This brought an annual revenue of Rs. 8 to 10 crores. The Chinese Government had raised objections to the trade of opium and had many a time requested the Government of India to stop it. In 1907, the Government of India agreed to reduce every year the export of opium. The export was to be stopped altogether after the lapse of some time. It is true that the Government of India had to suffer the loss of a lot of revenue but it was undoubtedly a humanitarian step.

Minto-Morley Reforms. In 1909 was passed the Indian Councils Act which not only increased the number of non-official members of the Legislative Council but also increased their powers. This topic has been discussed at length in the chapter on Constitutional Development.

In 1910, King Edward VII died and George V succeeded him. Lord Minto left India in November 1910. He was succeeded by Lord Hardinge.

The Times of India wrote thus on the Viceroyalty of Lord Minto: "When the dust of controversy has subsided, when the political battleground has changed, India will always 'keep kindness' for the great gentleman who will remain in memory the Viceroy Charmeur. India will always remember with gratitude the Governor-General who, at a time of Storm and Drang, presented a calm, unruffled, courageous front to the storm and refused to be blown from the path he had marked out. India will always have a warm corner in her heart for the Viceroy who inspired a personal confidence in his rectitude at a time of stress and difficulty."

Lord Hardinge (1910-16). Lord Hardinge was the grandson of Lord Hardinge (1844-48) who fought the First Sikh War. Before coming out to India, he had no administrative experience, although he had some experience in the field of diplomacy. The new Governor-General was very sympathetic with the Indian aspirations. He identified himself so thoroughly with the cause of the Indians at home and abroad that he was probably the most popular Viceroy of India. We are told that he mixed freely with the Indian and sometimes visited the hostels and colleges of the Indian students. He won the confidence of the people of India by his sincerity of purpose.

The Delhi Durbar (1911). After his accession to the throne in 1910, King George V paid a visit to India in 1911. A grand Durbar was held at Delhi near the present Radio Colony on 12th

December 1911. A lot of money was distributed on that occasion. It was announced that the capital of India would be transferred from Calcutta to Delhi. The partition of Bengal was cancelled[1]. Assam was to be placed under a separate Chief Commissioner. According to Prof. P. E. Roberts, "These changes were striking and dramatic. The transfer of the capital had no doubt many theoretical and logical advantages; it was defended by the Government on the ground that the consolidation of British rule in India and the development of the railway system made it no longer necessary for the Government to be upon the seaboard. The Viceroy henceforward would be increasingly concerned with matters of purely

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1. As regards the detail concerning the cancellation of the partition of Bengal and the transfer of capital from Calcutta to Delhi, Lord Hardinge tells us that he received in January 1911 a proposal from Lord Crewe suggesting the possibility of modification of the partition of Bengal. His proposal was intended to satisfy that section of the Indian political community who regarded the partition as a mistake. His idea was to create a Governorship instead of Lieutenant-Governorship of Bengal with the capital of the province at Dacca, to form an imperial enclave of Calcutta directly under the Viceroy and to appoint Commissioners for the various divisions. The suggestion was that the rectification of the partition should be announced by King George V at the Durbar to be held in India.

Lord Hardinge himself felt that if there was to be peace in the two Bengals, it was absolutely necessary to remove what was regarded by all Bengalis as an act of flagrant injustice without justification. It was realised that if nothing was done in that connection, there was every possibility of greater trouble in Bengal. The Government of Bengal was practically non-existent so far as the maintenance of peace and order was concerned. It was really the Viceroy who administered the province and it was to him and his Council that the Lieutenant-Governor and his officials looked for advice and support. The presence of the Legislative Assembly in Calcutta created an undue inevitable Bengali influence upon the members which was detrimental to legislative impartiality and presented a vast field for intrigue.

Sir John Jenkins, the Home Member of the Government of India, sent a memorandum to the Governor-General on 17th June 1911. He held very strong views on the urgency of the transfer of the capital from Calcutta to Delhi which he thought "would be a bold stroke of statesmanship which would give universal satisfaction and mark a new era in the history of India." Sir John wanted the declaration to be made by the King in the Durbar to be held in Delhi. The change was intended to create a magical effect in the imagination of the masses of people. The idea of shifting the capital from Calcutta to Delhi was not entirely original. Lord Lawrence had considered the scheme and was in favour of it. Lord Curzon was in favour of shifting the capital to Agra.

Lord Hardinge approved of the plan of Sir John Jenkins and wrote a long letter to Lord Crewe on 19th July 1911. He emphasised the advantages to be derived from the new proposals. The Viceroy asked Lord Crewe to keep the whole thing secret whether the same was accepted or not. On 7th August 1911, the Viceroy received a very satisfactory reply. Lord Crewe informed him that he had his "entire support and full authority to proceed."

Lord Crewe confided the substance of the scheme to the king who accepted it with great keenness. He was anxious to make the announcement himself at the Durbar and was very insistent as to the need of complete secrecy. Lord Crewe told the proposal to Lord Morley and Asquith and both of them were deeply impressed. Asquith was greatly struck by the bigness of the idea and considered that its merits and advantages far out-weighed any hostile arguments. The rest of the time before the holding of the Durbar was occupied in considering the legislative and statutory measures that were necessary to carry out the new policy. The secret was known to only 12 persons in India before the holding of the Durbar in December 1911.

imperial interest, and the subordinate provincial Governorships would become more autonomous in their administration. Delhi, from its central position and its historical association, was obviously the best-fitted city in India for the capital of a quasi-federal empire. The re-union of Bengal was said to be not a reversal of the partition but a re-arrangement after experience—a statement hardly consistent with facts."

Critics pointed out to the many concessions made at the time of the Coronation Durbar of Delhi. It was contended that the changes should have been brought about by an Act of Parliament and not by a declaration of the Government. That was not a proper procedure. It was also pointed out that the construction of new capital at Delhi would involve a lot of unnecessary expenditure. That would also give a setback to the prosperity of Calcutta. It was also maintained that the cancellation of the partition of Bengal in 1911 was not opportune because the agitation against it had became very weak by that time and such a step was absolutely unnecessary at that stage.

On 23rd December 1912, a bomb was thrown on Lord Hardinge when he was to make his state entry into Delhi. He himself was wounded and the person sitting behind him on the elephant was killed. In spite of this provocation, Lord Hardinge maintained his previous attitude of sympathy towards the Indians.

In 1912, it was rumoured that China would be conquering Tibet. The British Government gave a warning to the Chinese Government that the latter must desist from such a course. The result was that the fear of Chinese conquest of Tibet disappeared.

From the beginning of the 20th century, the Government of South Africa was following a policy of harassing the Indians in South Africa Although the Indians were as much responsible for the prosperity of South Africa as the Europeans, the latter seemed to be determined to drive out the Indians from that territory. In 1913, a law was passed by which the immigration of Indians was limited and they were prohibited from trading, farming and holding property. Under the leadership of Mahatma Gandhi, the Indians of South Africa offered *satyagraha* against the unjust laws. Both Gandhi and his followers were arrested and put behind the bars. There was great resentment in India and Lord Hardinge shared the feelings of the people of the country. The result was that the Government of South Africa appointed a Commission and ultimately passed the Indian Relief Act of 1914. The new Act recognised as valid the monogamous marriages of the Indians. It also abolished the tax of £3 on every Indian labourer. It is true that the new Act did not remove all the grievances of the Indians in South Africa, but it was characterised by Mahatma Gandhi as the Magna Carta of Indian liberty in South Africa. As regards the system of indentured labour from India, the matter was taken up in 1910 by Gokhale and the system was ultimately abolished in 1917. The First World War started in September 1914. As Great Britain joined the war against Germany and Austria-Hungary, India also joined the war on the side of the

British Government. The Indians gave unconditional help to the English in their hour of need and danger. Indian troops fought along with other Allied troops in the battlefields of France, Flanders, Egypt, Africa, Palestine, Mesopotamia and Macedonia.

Lord Chelmsford (1916-21). Lord Chelmsford succeeded Lord Hardinge at a time when the First World War was going on. Before coming to India as Governor-General, he had worked in one of the States of Australia. In August 1917, the famous declaration was made by Edwin S. Montagu, Secretary of State for India, with regard to the goal of the British Government in India. That declaration runs thus : "The policy of His Majesty's Government with which the Government of India are in complete accord, is the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British empire They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at home and in India. His Majesty's Government have decided, with His Majesty's approval, that I should accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of Local Governments, and to receive with him the suggestions of representative bodies and others.

"I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India on whom the responsibility lies for the welfare and advancement of Indian peoples, must be the judges of the time and measures of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

After the declaration, Mr. Montagu came to India and toured the country in the company of Lord Chelmsford. Many deputations were interviewed and views were exchanged. Ultimately, the report was submitted and published. In 1919, the Government of India Act was passed. This Act introduced dyarchy in the provinces and added to the powers of the Central Legislature.

Reference may be made to the Third Afghan War of 1919. What actually happened was that the people of Afghanistan did not approve of the pro-British policy of Habib-Ullah. The result was that he was murdered. Aman-Ullah came on the throne of Kabul. There were disturbances in the Punjab in 1919 on account of the Rowlatt Act. The new king was able to occupy some parts of the North-Western Frontier. Ultimately, his advance was checked, and he was completely defeated. A treaty was made in August 1921. By this treaty, the King of Afghanistan got the right to conduct his foreign affairs himself. The British control was abolished. The annual

subsidy which the Government of India used to give to Afghanistan was also stopped.

Reference may be made to the non-co-operation movement started by Mahatma Gandhi. The object of the movement was to protest against the acts of high-handedness on the part of the British Government. Meetings were held all over the country and *hartals* were organised. The British Government imposed martial law. General Dyer was responsible for the tragedy of Jalianwala Bagh at Amritsar. In this non-co-operation movement both the Hindus and Muslims participated.

Reference may also be made to what is called the Khilafat movement. This movement was organised by the Muslims of India as a protest against the shabby treatment meted out to Turkey by the Allies in spite of the repeated promises and assurances to the Indian Muslims. The Khilafat movement stood for the integrity of the Turkish empire. The Caliph was to have his capital at Constantinople. They also demanded the establishment of a Muslim State of Palestine.

Lord Reading (1921-26). Lord Reading was born a humble Jew but rose to the high position of the Lord Chief Justice of England by sheer dint of hard work. There was a lot of opposition in the Government. There were strikes and riots in many places. There was a split in the Congress. One section of the Congress was in favour of entering the legislatures and thereby wrecking the constitution from within. These Congressmen were known as the Swarajists and were led by men like C. R. Dass and Moti Lal Nehru. Ultimately, the Swarajists were allowed to enter the legislatures. On account of persistent demands of the Indians, the Muddiman Committee report was published with regard to the working of dyarchy under the new constitution.

Lord Irwin (1926-31). Lord Irwin had to deal with very serious problems during his term of Viceroyalty. In 1927 was appointed the famous Simon Commission. The Indians protested against its composition which was all-White. No wonder, the Commission was boycotted by the people of India. There were *hartals* and boycotts all over the country. There were lathi-charges and shootings. In December 1928, the Congress at its Calcutta session passed a resolution asking from the British Government the grant of Dominion Status within a year. It is true that in October 1929, a statement was made in Parliament on behalf of the British Government that the goal of the British Government in India was to give Dominion Status to India, but such a declaration did not satisfy the Indian leaders and consequently at its Lahore session in December 1929, the Congress declared the achievement of full independence as its goal.

January 26, 1930 was declared as Independence Day for India and Civil Disobedience movement started in the country. Mahatma Gandhi himself led the movement. Thousands of people were arrested and punished. Their properties were confiscated

It was in this atmosphere that the Simon Commission submitted its report and the First Round Table Conference met in 1930 in London. Not much could be accomplished on account of the absence of the Congress. Through the efforts of Sapru and Jayakar, the Gandhi-Irwin Pact was made in 1931 and Gandhiji sailed for England as the sole representative of the Congress.

The work of Lord Irwin has been variously estimated. Some condemned him for his weakness and others condemned him for his repressive policy. There was a time when the Conservatives demanded a recall of Lord Irwin. Undoubtedly, he was a noble soul.

Lord Willingdon (1931-36). Before his appointment as Governor-General in 1931, Lord Willingdon had acted as the Governor of Bombay and Madras from 1913 to 1924. He had also acted as the Governor-General of Canada, from 1926 to 1930.

The Second Round Table Conference met in London during the period of his Viceroyalty. It failed to achieve its purpose on account of the attitude of Mr. Jinnah. As soon as Mahatma Gandhi came back from London, he was arrested The reign of terror and repression started in the country. The more the movement was suppressed, the stronger it became. The ordinances passed by the Government were ineffective to crush the spirit of the people.

In August 1932 was announced the famous Communal Award by Ramsay MacDonald. Mahatma Gandhi strongly protested against it and threatened to go on fast unto death if the clauses relating to the Depressed Classes were not changed. Ultimately, the Poona Pact was signed and this pact altered the Communal Award so far as the representation of the Depressed Classes was concerned.

In 1932 was summoned the Third Round Table Conference in London. In March 1933 was issued the White Paper containing the proposals of the Government of England with regard to the new Constitution of India. In 1935 was passed the Government of India Act.

During the Viceroyalty of Lord Willingdon, earthquakes took place in Bihar and Quetta. There was a lot of loss of life and property.

Lord Willingdon was hated by the Indians on account of his policy of repression. Indian nationalism triumphed in spite of all the efforts of this great bureaucrat.

Lord Linlithgow (1936-44). Before his appointment as Governor-General, Lord Linlithgow had a brilliant career. He was the Chairman of the Royal Commission on Indian Agriculture. He was also the Chairman of the Joint Select Committee of Indian Constitutional Reforms. He also had a hand in the drafting of the Government of India Act, 1935. No wonder, he was sent to India to enforce the law which he had helped in making.

The Federal Part of the Act was not introduced at all. Only the Provincial Part was introduced. Elections were held in the beginning

of 1937 and the Congress got a majority in many provinces. In spite of that, it refused to form Ministries unless an assurance was given that the Governors would not interfere in the day-to-day affairs of the departments under the control of the Indian Ministers. When such an assurance was given, Congress Ministries were formed and they continued to function till 1939 when they resigned after the declaration of the Second World War.

There was a split in the Congress during this period. Subhas Chandra Bose got himself elected as the Congress President in 1938 and 1939. There arose differences between him and Mahatma Gandhi and his followers. Ultimately Subhas Chandra Bose left the Congress and formed the Forward Bloc. In 1940, Lord Linlithgow made his famous August offer, but it was rejected by the Congress.

In March 1942, Sir Stafford Cripps came to India to arrive at some sort of an agreement with the Congress on the basis of the proposals brought by him with himself and approved by the British Cabinet. The Cripps Mission was also a failure.

In August 1942, the Congress passed the famous "Quit India" resolution. As a result of this, the Congress leaders were arrested and remained in jail throughout the World War II.

Lord Wavell (1944-47). During the period of Viceroyalty of Lord Wavell, the World War II came to a successful end. Germany was defeated and Japan surrendered in 1945.

Lord Wavell called in June 1945 a Conference at Simla with the object of coming to some sort of agreement with the major political parties in India. Unfortunately, the Simla Conference failed on account of the attitude of Muslim League.

When the Labour Party came to power in England, fresh elections were ordered in India for the provincial legislatures. A Cabinet Mission consisting of Lord Pethick Lawrence, Sir Stafford Cripps and A. V. Alexander came to India in March 1946. After long negotiations, the Cabinet Mission issued its formula on 16th May 1946. The Cabinet Mission scheme provided for an Interim Government and also the procedure for the framing of a Constitution of India and also of the groups into which the provinces were to be combined. The Muslim League accepted the scheme and the Congress rejected it on certain grounds. However, when the Congress accepted it, the Muslim League rejected it. There was the famous Calcutta Killing in August 1946. On 2nd September 1946, Pandit Jawahar Lal Nehru formed the Interim Government. However, the Muslim League refused to join at the beginning, but later on did so.

The Constituent Assembly met in December 1946 at New Delhi. The Muslim League boycotted it. There was a controversy as to whether the grouping of provinces was compulsory or not and the British Government gave its verdict in favour of compulsory grouping.

Lord Mountbatten (March 1947 to June 1948). In March 1947, Lord Wavell was replaced by Lord Mountbatten. When he reached India, he found the situation very critical. The Muslim League was carrying on its wear and tear campaign all over the country especially in the Punjab. There were riots in March 1947. Lord Mountbatten felt that the only way to tackle the situation was to complete the work of transfer of power into the Indian hands within as short a period as possible. He held consultations with the Indian leaders for the same purpose. He went to London in May 1947 to discuss the matter with the British Government. On his return, he announced his famous June 3 Plan. By this Plan, it was proposed to divide India into two parts, *viz.*, the Dominion of India and Dominion of Pakistan. Both the Dominions were to be given independence. The Plan was accepted by both the Muslim League and the Indian National Congress. The Indian Independence Act, 1947, was passed to give effect to the June 3 Plan. The division of the country took place on 15th August 1947.



Pandit Jawahar Lal Nehru

After the independence of India, Lord Mountbatten was again appointed as the Governor-General of India and he continued to occupy that position till June 1948. It was during this period that the invasion of Kashmir by the raiders took place. Kashmir acceded to India and the case of Kashmir was taken to the United Nations.

There was a lot of bloodshed both in India and Pakistan on account of communal riots. There was wholesale exodus of populations from India to Pakistan and *vice versa*.

C. Rajagopalachariar (June 1948-January 1950). Chakravarti Rajagopalachariar was the first and the last Indian Governor-General of India. During this period, Pandit Nehru continued to be the Prime Minister of India. The police action was taken against the Nizam of Hyderabad. Kasim Razvi and his Junta were defeated, and Hyderabad became a part of the Indian Union.

During this period, the Constituent Assembly passed the new Constitution of India and it came into force on 26th January 1950.

The relations between India and Pakistan were not cordial. There was a lot of tension on account of the problem of Kashmir and the evacuee property.

The India Parliament passed very many laws for the welfare of labour in India. In many provinces, laws were passed for the abolition of zamindari.

Dr. Rajendra Prasad (1950-1962). The new Constitution of India came into force on 26th January, 1950. It provided for a Presi-

dent of India in place of the Governor-General of India. Dr. Rajendra Prasad was elected the first President of the Indian Republic and he continued to occupy that position up to May 1962. He was a true follower of Gandhiji. His nobility and learning won over everybody.

India made a lot of progress during those 12 years. The two Five-Year Plans were completed and the Third Five-Year Plan was brought into force. It is true that we had to face a lot of trouble on account of shortage of foreign currency, but in spite of that the work was accomplished with the help and co-operation of friendly states.

Throughout this period, India followed a policy of non-alignment under the stewardship of Prime Minister Jawaharlal Nehru. India joined neither the Anglo-American bloc nor the Communist bloc. She tried to maintain friendly relations with all states. This policy put her in a very awkward position and sometimes led to misunderstandings. However, by and by, the role of the Government of India began to be appreciated. On many critical occasions, the good offices of the Government of India were sought by the rival powers.

To begin with, India had friendly relations with Red China. She was the first country in the world to recognise Communist China. In spite of that, the relations between the two countries have become bitter on account of the policy of aggression followed by the Government of China towards India. The Chinese Government has already occupied a big territory which belongs to the Indian Union. All efforts to resolve the difficult problem have failed so far, and the Chinese Government seems to be determined to pursue its policy of aggression against India.

Dr. S. Radhakrishnan (1962—). Dr. Rajendra Prasad retired in May 1962 and Dr. Radhakrishnan was elected President in his place. He is a remarkable personality in many ways. He is a great soholar and a statesman. He is very near Prime Minister Jawaharlal Nehru. He has already brought many new ideas with him. It is hoped that India will continue to make progress in spite of difficulties and challenges from many quarters.

Suggested Readings

MONTAGU, E. S. : *The Indian Diary* (1930).
MORLEY : *Recollections.*
MORLEY : *Speeches on Indian Affairs.*
ZACHARIAS : *Renascent India* (1933).

CHAPTER XIX

CONSTITUTIONAL DEVELOPMENT (1773-1950)

The Regulating Act (1773). The Regulating Act was the first great landmark in the constitutional development of India. It is well-known that Lord Clive got the Diwani of Bengal, Bihar and Orissa from Shah Alam, the Mughal Emperor in 1765. The shareholders demanded larger dividends and the same was raised to 12½%. The British Government also got annually a sum of £4 million from 1767 onwards. Edmund Burke condemned the British Government, and maintained that the Government had 'sanctified the bloodshed, this rapine, this villainy, this extortion—for the valuable consideration of £4,000,000. This crime tax being agreed to, we heard no more of malpractices."

Although both the shareholders of the English East India Company and the British Government gained, the position of the people of Bengal became most unhappy. The people were the victims of famine and the corruption of the servants of the Company. According to Lecky, "Never before had natives experienced a tyranny which was at once so skilful, so searching and so strong. Whole districts which had been populous and flourishing were at last utterly depopulated, and it was noticed that on the appearance of a party of English merchants the villages were at once deserted and the shops shut, and the roads thronged with panic-stricken fugitives." According to Chatham, "India teems with inequities so rank as smell to earth and heaven." The things were so rotten that in April 1772 was appointed a Select Committee of 31 members to inquire into the affairs of the East India Company. In August of the same year, the English East India Company asked for a loan from the British Government. The Parliament appointed a Select Committee to examine the affairs of the Company and submit its report[1]. The

According to Ilbert, "The great events of 1765 produced immediate results in England. The eyes of the proprietors of the Company were dazzled by golden visions. On the dispatch bearing the grant of the Diwani being read to the Court of Proprietors they began to clamour for an increase of dividend, and, in spite of the Company's debts and the opposition of the Directors, they insisted on raising the dividend in 1766 from 6 to 10 per cent, and in 1767 to 12½ per cent. At the same time the public mind was startled by the enormous fortunes which 'Nabobs' were bringing home, and the public conscience was disturbed by rumours of the unscrupulous modes in which those furtunes had been amassed. Constitutional questions were also raised as to the right of trading Company to acquire on its own account powers of territorial sovereignty. The intervention of Parliament was imperatively demanded." According to the Report on Indian Constitutional Reforms, "The Company's peril of bankruptcy was the immediate cause of Parliament's first intervention; but a more powerful motive was the growing feeling in England, to which the opulence and arrogance of officials returning from India contributed, that the nation must assert its responsibility for seeing that the new and vast experiment of ruling a distant and alien race was properly conducted"

Committee submitted its final report in May 1773. It was then that the Parliament passed the Regulating Act of 1773.

Provisions of the Regulating Act. (1) The Regulating Act gave the right of vote for the election of Directors of the Company to shareholders holding stock worth £1,000 for 12 months preceding the date of election. Formerly, Directors were elected for one year but the Act provided that in future they were to be elected for 4 years. However, one-fourth of them were to retire every year. The Directors were required to submit copies of letters and advices received from the Governor-General-in-Council. Copies of letters relating to revenue were to be sent to the Treasury and those relating to civil and military affairs were to be sent to one of the Secretaries of State. Governor-General of Bengal and the Governors of Bombay and Madras were required to pay due obedience to the orders of the Directors and also keep them constantly informed of all the matters affecting the interests of the Company.

(2) Provision was made for a Governor-General of Bengal and his Council of 4 members. They were vested with "the whole civil and military Government of the said Presidency, and also the ordering, management and government of territorial acquisitions and revenues in the kingdom of Bihar, Bengal and Orissa." Warren Hastings was appointed the first Governor-General of Bengal and Clavering, Monson, Philip Francis and Barewell were appointed the members of his Council. Members of the Council were to hold office for 5 years and they could not be removed except by the Crown on the representation of the Directors. Governor-General of Bengal was required to carry on the work according to the majority opinion of this Council. He could not over-rule the majority view of this Council. However, he was given a casting vote in the case of a tie. Governor-General was also given the power of superintending and controlling the Presidencies of Madras and Bombay. However, in case of emergency and direct orders from the Directors in London, Presidencies of Madras and Bombay were not to act according to the orders of the Governor-General of Bengal.

(3) Governors-in-Council of Bombay and Madras were required to pay due obedience to the orders of Governor-General of Bengal. They were required to submit to the Governor-General-in-Council advice and intelligence on transactions and matters relating to the government, revenues and interests of the Company. They were required to forward all rules and regulations framed by them to the Governor-General-in-Council. If they failed to carry out the orders of the Governor-General-in-Council, or did not perform their duties properly, they could be suspended by the Governor-General-in-Council.

(4) Governor-General-in-Council was given the power to make rules, ordinances and regulations for the good order and civil government of Company's settlement at Fort William and factories and places subordinate to it. These rules and regulations were not to be against the laws of England and were required to be registered with the Supreme Court. These could be disallowed by the King-in Council within two years.

(5) The Regulating Act provided for a Supreme Court with a Chief Justice and three puisne judges. Sir Elijah Impey was appointed the Chief Justice. The Supreme Court was given the power to try civil, criminal, admiralty and ecclesiastical cases. It was to be a Court of Record and Court of Oyer and Terminer and Gaol delivery in and for the town of Calcutta, Fort William and other factories subordinate to it. The jurisdiction of the Supreme Court was to extend to all the British subjects residing in Bengal, Bihar and Orissa. It was empowered to try all cases of complaints against any of His Majesty's subjects for crimes or oppressions. It was to try suits, complaints or actions against any person in the employment of the Company or His Majesty's subjects. It was given both original and appellate jurisdiction. Cases were to be tried by means of a jury.

(6) The Regulating Act prohibited the receiving of presents and bribes by the servants of the Company. "No person holding or exercising any civil or military office under the Crown shall accept, receive or take directly or indirectly any present, gift, donation, gratuity or reward, pecuniary or otherwise." It was made clear that the offenders were to make double payment and were liable to be transported to England.

(7) No British subject was to charge interest at a rate higher than 12 per cent. If the Governor-General, Governor, Member of the Council, a judge of Supreme Court or any other servant of the Company committed any offence, he was liable to be tried and punished by the King's Bench in England. The Act also settled the salaries of the Governor-General, Governors, Chief Justice and other judges. Thus, Governor-General was to get £25,000 annually. Every member of the Council was given £10,000 a year. The annual salary of the Chief Justice was fixed at £8,000 and that of an ordinary judge £6,000.

Criticism of Regulating Act. It is universally admitted that the Regulating Act had many shortcomings. (1) A serious defect of the Regulating Act was that it did not define clearly the exact jurisdiction and powers of the Governor-General, the members of his Council and the Supreme Court. Whether the omission was deliberate or unintentional, there was a lot of conflict. The relations between the Governor-General and the Supreme Court were never happy. The result was that they always pulled in different directions.

(2) The Supreme Court claimed to serve writs on the inhabitants of the country and make them appear before itself. Warren Hastings resisted this claim of the Supreme Court. In the case of Cassijurah, the Sheriff and the officers accompanying him were prevented by a company of Sepoys from executing a writ against a Zamindar. These Sepoys maintained that they were merely acting under the orders of the Governor-General.

(3) Supreme Court claimed to have jurisdiction over the collectors of revenue of the Company for the wrongs done by them in their official capacity. It also claimed to try judicial officers of the Company for similar wrongs. It refused to recognise the jurisdiction of the provincial or country courts. It released a district treasurer who was imprisoned on a charge of embezzlement and remarked

thus: "We know not what your Provincial Chief and the Council are: you might just as well have said that he was confined by the King of Fairies." Warren Hastings tried to remove this conflict by appointing Sir Elijah Impey as the judge of the Sadar Diwani Adalat. However, this arrangement did not last long because Impey was called back home. The Regulating Act did not specify as to which law was to be applied by the Supreme Court. It was a moot point as to whether the Hindu law, Mohammedan law, Christian law or the English law was to be applied. It was also not made clear as to whether the law of the defendant was to be applied or that of the plaintiff in case the two professed different religions. As a matter of fact, the judges of the Supreme Court knew only the English law and applied the same practically in every case. Evidently, this had very unfortunate results.

(4) The Regulating Act did not contain any answer to many questions. It was not clearly defined as to who the servants of the English East India Company were and what actually constituted employment under the Company. A question could be asked as to whether farmers of revenue could be considered as servants of the Company.

(5) The Regulating Act made the position of the Governor-General very weak. As a matter of fact, he was merely at the mercy of the majority of the members of his Council. We are told that for 6 years there was a bitter struggle between the Governor-General and the members of his Council. He was outvoted and over-ruled and on many occasions had to follow a policy which he did not approve of. It was only after the death of Monson and Clavering that Warren Hastings was able to manage his Council. Previous to this, his position was so hard that at one time he actually instructed his agent in London to tender his resignation to the Directors.

(6) The raising of the qualifications of the voters from £500 to £1,000 converted the Court of Directors into an oligarchy. About 1,246 holders of stock were disfranchised. "The whole of the regulations, concerning the Court and Proprietors relied upon two principles, which have proved fallacious, namely, that small numbers were a security against faction and disorder and that integrity of conduct would follow the greater property."

(7) The control of Bengal over Madras and Bombay was not effective.

(8) According to Burke, the Regulating Act was "an infringement of national rights, national faith and national justice." According to Roberts, the Act was a half-measure and disastrously vague on many points. The titular authority of the Nawab of Bengal was left by implication intact and no assertion was made of the sovereignty of the Crown or Company in India. Principal Sri Ram Sharma has made the following observations: "In this way the Regulating Act made a bold attempt at securing good government in the Company's territory in India without the Crown's directly assuming the responsibility for the same. It was the first

measure by which a European government assumed the responsibility for governing territories acquired by it outside Europe and inhabited by civilized people. No other European nation had so far made any such attempt. For the English as well, it was the first measure of its kind. The Act was passed at a time when controversy in colonial America was about to flare up into the War of American Independence. The British political philosophy at the time was dominated by Adam Smith's "Wealth of Nations" on the one hand and the struggle between George III and the Whigs on the other. The Act bore the impress of all these stresses and strains. Its most praiseworthy feature was the setting up of the Supreme Court as a guarantor of good government in Bengal for all. It introduced the thin end of the wedge of direct administration by the Crown by insisting on securing timely information from the Company about its affairs in India. It recognised the Board of Directors for another 60 years in India ; it translated the Directors' demand for honest administrators in India into a parliamentary mandate when it prohibited private trade and acceptance of gifts by the Company's public servants. Its principle of collegiate authority in the Governor-General and Council of Bengal remained substantially unmodified till 1861. It made an amateurish attempt at setting up one supreme authority for the Company's dominions in India."

(9) According to P. E. Roberts, "The change in the constitution of the Court of Directors was made with the view of giving the members of the Court greater security of tenure, lessening the temptation to secure votes by a corrupt dispensation of patronage, and encouraging a more continuous and consistent policy at home and abroad. Hitherto the twenty-four directors were elected each year, and might have been completely changed at each election. As Clive once averred, they spent the first half of their year of office in discharging the obligations by which they had purchased their seats, and the other half in canvassing and preparing for a new election. At the first election after the bill was passed, six directors were to be chosen for one year, six for two years, six for three years and six for the full term of four years. In practice, the six who retired each year were always re-elected for the following year and the effect therefore was, as Kaye notes, 'to constitute a body of thirty directors, of whom six, forming a sort of non-effective list, go out every year by rotation.' It was of course possible for the proprietors at each election to have chosen six new members, but in practice they never did so." Again, the Regulating Act "had neither given the State a definite control over the Company, nor the Directors a definite control over their servants, nor the Governor-General a definite control over his Council, nor the Calcutta Presidency a definite control over Madras and Bombay."

(10) According to Bouten Rouse, "The object of the Act was good, but the system that it established was imperfect."

(11) According to the Report on Indian Constitutional Reforms of 1918, the Regulating Act "created a Governor-General who was powerless before his own Council and an executive that was powerless before a Supreme Court, itself immune from all responsibility for

peace and welfare of the country—a system that was made workable by the genius and fortitude of one great man."

(12) "The Regulating Act made a bold attempt at securing good Government in the Company's territory in India without the Crown's directly assuming the responsibility for the same."

The Regulating Act was the first of a long series of Acts passed by Parliament to change and regulate the Government of India. It made a beginning in the system of a written constitution for British India. The right of the Parliament to interfere into the affairs of the Company and to legislate for its possessions was recognised. It is a landmark in the transfer of power from the Company to Parliament. The Act established a collegiate rule in place of "one-man rule". It recognised the political functions of the Company. According to Lyall, "The system of administration set up by the Act of 1773 embodied the first attempt at giving some definite and recognizable form to the vague and arbitrary rulership that had developed upon the Company. From that time forward, the outline of Anglo-Indian Government was gradually filled in."

According to Herbert Cowell, "The essential character and object of that scheme were to weaken the power of the Government by vesting it in the hands of a majority, and to plant in its neighbourhood a Court, framed after the fashion of the existing Courts in England, with jurisdiction over all its executive acts and a veto on all its legislation. This tribunal vested with such extra-ordinary powers, and so ludicrously unsuited to the social and political condition of Bengal, was not merely to exercise a civil and criminal jurisdiction wholly strange and repugnant to the Indian people ; it might sit one day on its common law side and give judgment to a suitor, and on the next day might sit on its equity side and restrain that suitor from proceeding to execution. It might on one side adjudge a man to be the absolute owner of property, and on the other side consign him to perpetual imprisonment if he did not, in his character of trustee, forthwith give it up to those beneficially entitled. In short, the whole system of English law and equity, with its rules and customs and process, handed down from feudal times, moulded during struggles between secular and ecclesiastical powers, between church and commonalty, between common law and civil jurisprudence, which time alone had rendered endurable to the people amongst whom it had grown up, a people widely different in habits, character, and form of civilization from any to be found in the East, was introduced into India, not intentionally as a burden, but for its benefit and salvation.

"The result was that the Court exercised large powers independently of Government often so as to obstruct it, and had a complete control over legislation. Political power was thus vested in Judges who had neither the responsibilities nor the machinery of government. Such a system could not endure under any circumstances. Although the Courts are independent of Government in England, both are absolutely subordinate to the Legislature, in which, however, the power of Government predominates. To make the Legislature subordinate to the Court, instead of Court subordinate to the

Legislature, and at the same time to direct it to enforce a system of law utterly inapplicable to India, independently of or in opposition to the Government, which was at the same time weakened by divisions purposely created, appears to be the most destructive and pernicious policy that wit could devise. Although the judicial service should be independent of the executive, yet it must be subordinate to the Legislature, and legislation must be, if power and responsibility are to go together, the unfettered expression of sovereign authority, wherever that authority may reside, or from whatever source it be derived, whether from an electoral body or an absolute prince.

"The plan of controlling the Company's government by the King's Court entirely failed. The tribunal came to be regarded by the Natives, for whose protection it was established, with the utmost abhorrence. The policy which shaped the Regulating Act was, no doubt, well-intentioned, but it was rashly and ignorantly executed. None of the Parliaments of George III were remarkable for their wisdom ; but it was reserved for the Parliament which sat in 1773 by its Colonial Customs Policy and its Regulating Act to throw the affairs of two hemispheres into confusion. It endeavoured to rule America on the principle of parliamentary taxation, and to control the Government of India by the operation of English Law Courts. The result was that British power in the West was subverted, and in the East was for a time seriously endangered. The anarchy which ensued continued till the policy of the Regulating Act was reversed, and Indian society assumed the form which it retained till the Company and the Mogul Empire vanished."

Amending Act of 1781. It was admitted on all hands that there were many shortcomings in the Regulating Act and consequently an Act was passed in 1781 to remove them. The new Act provided that the public servants of the Company were not to be subject to the jurisdiction of the Supreme Court for things done by them in their official capacity. Revenue collectors and judicial officers of the Company's courts were also exempted from the jurisdiction of the Supreme Court for things done by them in their official capacity. Governor-General and the members of his Council were also exempted from the jurisdiction of the Supreme Court both individually and collectively "for anything counselled, ordered or done by them in their public capacity."

As regards the jurisdiction of the Supreme Court it was provided that it was to have jurisdiction over all the inhabitants of Calcutta. It was to administer the personal law of the defendant. It was stated that "no person was to be subject to the jurisdiction of Supreme Court by reason of his being a land-owner or farmer of land or land-rent or for raising a payment or pension in lieu of any title to, or ancient possession of land or land-rent or for any compensation or share of profits for collecting rents...." Servants of the Company were to be subject to the jurisdiction of the Supreme Court for wrongs done by them or trespass. Cases could be brought before the Supreme Court by the agreement of both the parties. In cases relating to inheritance or succession to lands or goods, the jurisdiction

of the Supreme Court was excluded. The Supreme Court was required to take into consideration and respect the religious and social customs and usages of the Indians while enforcing the decrees and processes. Government was also to keep them in view while making regulations.

Governor-General-in-Council was given the power to make regulations for the provincial courts and Councils. Formerly, the rules and regulations made by the Governor-General were required to be registered with the Supreme Court. This led to a lot of inconvenience. Consequently, the Act of 1781 provided that no such registration was required.

The Act provided that appeals were to be taken from the provincial courts to the Governor-General-in-Council. The latter was to be the final Court of Appeal except in those civil cases which involved £5,000 or more. In case the amount involved was more than £5,000, an appeal was to be taken to the King-in-Council.

According to Dr. Keith, the Act of 1781 "effected important changes in the system of 1773. The preamble showed clearly who had won the contest; it asserted the necessity of supporting the Government, the importance of the regular collection of the revenues and the maintenance of the people in their ancient laws."

According to Herbert Cowell, "The year 1781 marks a most important era in the history now under consideration. It terminated a period of fierce animosity and struggle between those who wished to see English law and Courts of Justice introduced at once into the country and rendered supreme over the Executive, and those who considered that such a policy was wholly impracticable, and that, circumstanced as the English then were, Government must for a long time to come control the authority of the Courts. It commenced the era of independent Indian legislation; of the authority of the Supreme Court, as it continued more or less to be exercised for eighty years; of the establishment of a Board of Revenue 'entrusted with the charge and administration of all the public revenues of the provinces, and invested in the fullest manner with all powers and authority, under the control of the Governor-General and Council'; of the recognition by Act of Parliament of the established Sudder and Provincial Courts; and of the recognition by Act of Parliament and in the revised Code of Bengal of the right of Hindus and Mahomedans to be governed by their own laws and usages. The plan of government, both as regards legislation and the Courts of Justice, in that year assumed a definite shape, and although many changes of course ensued in the long period (1781-1861) which separated the administration of Warren Hastings, the first Governor-General of India, from the close of that of Lord Canning, its first Viceroy, still they were changes of detail, often of great importance, but leaving unaltered the general character of the system then introduced.

"The year 1781 may therefore well be taken as the first dividing point of time at which the character of that history essentially changes, at which the boundaries of authority have at last become strongly defined."

Dundas's Bill (**1783**). The Amending Act of 1781 did not remove all defects of the Regulating Act and consequently many bills were introduced in Parliament to remedy them. In April, 1873, Dundas introduced his bill. According to it, the Crown was to have power to recall the principal servants of the Company. The control of Bengal Presidency over Bombay and Madras was to be increased. The Governor-General was to have the power of acting on his own responsibility in opposition to the opinions of his own Council. He was to be empowered to hold the office of Commander-in Chief. Those Zamindars of Bengal who were displaced as a result of quinquennial settlements were to be restored. Obviously, the bill gave complete authority and control over British India into the hands of a person with the title of Governor-General and Captain-General. As Dundas was in the Opposition, the bill was dropped after introduction.

Fox India Bill (**1783**). In November 1783, Fox introduced his famous bill on India. The bill proposed to abolish the Court of Directors and the Court of Proprietors and set up two bodies. Seven Commissioners or Directors were to administer the revenues and territories of India. They were to appoint or dismiss all persons in the service of the Company. They were to be named in the Act and were to be irremovable except on an address from either house of Parliament. Vacancies were to be filled by the Crown. The Commissioners were to sit in London and Parliament was to have opportunity to inspect the minutes of their proceedings Nine Assistant Directors were to be nominated in the Act from the Proprietors with the largest holdings in the Company. They were to be appointed for five years and vacancies were to be filled by the Court of Proprietors.

According to Fox, his bill "was the only possible means of averting and preventing the final and complete destruction of the Company's interests." According to Malcolm, the seven Commissioners were "to act like trustees to a bankrupt house of commerce." Fox maintained that his Bill "was a child not of choice, but of necessity." The mixed system of Government was suited to the mixed complexion of British interests in India. He contended that "the Indian people in spite of every exertion both of the legislature and Court of Directors, groan under the scourge, the extortion and the massacre, of a cruel and desperate man, whom, in my conscience and from my heart I detest and execrate."

Burke gave a brilliant speech in support of the bill. He maintained that "Our Indian Government is in its best state a grievance." He described the Government of the Company as "one of the most corrupt and destructive tyrannies that probably ever existed in the world." There is not a single prince, state or potentate, great or small in India, with whom they have not come into contact, whom they have not sold....There is not a single treaty they have ever made which has not been broken....There is not a single prince or state, who ever put any trust in the Company who is not utterly ruined." According to him, the servants of the Company were "animated with all the avarice of age, and all the impetuosity of youth ; they roll in

one after another, wave after wave, and there is nothing before the eyes of the natives but endless, hopeless prospect of new flights of birds of prey and passage with appetites continually renewing for a food that is continually wasting. Their prey is lodged in England ; and the cries of India are given to seas and winds to be blown about in every breaking up of the monsoon, over a remote and unhearing ocean."

It is to be noted that the Bill was passed by the House of Commons by 208 votes to 108 votes. However, it was defeated in the House of Lords on account of the interference of George III. George III made it clear in a letter that whoever voted for the Bill was "not only not his friend, but his enemy." Another cause of the defeat of the Bill was the tremendous unpopularity of Fox and North. Instead of discussing the merits of the bill, the opponents stressed the coalition of Fox and North. According to Pitt, the Bill was "one of the boldest, most unprecedented, most desperate and alarming attempts at the exercise of tyranny that ever disgraced the annals of this or any other country." According to Grenville, the object of the Bill was "no less than to erect a despotic system which might crush the free Constitution of England." According to Jenkinson, the bill was "setting up within the realm a species of executive Government, independent of the check or control of the Crown." Wilberforce compared the seven Directors and eight Assistant Directors to seven physicians and eight apothecaries who had come to put the patient to death. Fox answered his critics in these words : "I risk my all upon the excellence of this Bill ; I risk upon it whatever is most dear to me, whatever men most value, the character, integrity, talents, honour, present reputation and future fame ; these, and whatever else is precious to me, I stake upon the constitutional safety, the enlarged policy, the equality and the wisdom of this measure." Fox made a mistake in not consulting the English East India Company which was vitally interested in the measure and it is no wonder that the Company also opposed the Bill tooth and nail.

George III was not only responsible for the rejection of the Fox India Bill in the House of Lords, he also dismissed the Coalition Ministry on 18th December 1783. Having done so, he invited Pitt, the Younger, to form the new Ministry. Pitt introduced his own Bill in January 1784. He did not command a majority in the House of Commons at the beginning and consequently got the Parliament dissolved at the appropriate moment and was able to secure a good majority. He reintroduced his Bill with certain modifications and was able to get the same passed in August 1784. This Bill is known as Pitt's India Bill. It is to be noted that Pitt took the precaution of neutralising the opposition of the English Company. The result was that the Bill was introduced in Parliament fortified and recommended by the consent of the Company. The Bill was essentially the same as that of Fox. However, he did not touch the patronage of the Company. Pitt himself pointed out that while the Fox India Bill ensured permanency of men, his Bill meant a permanency of the system.

Provisions of Pitt's India Act. (1) Pitt's India Act provided for a Board of Control of six Privy Councillors. The Board was given comprehensive powers of supervision, direction and control over the Indian administration. All the dispatches from India were to be submitted to them and they were to have the right of modifying any instruction sent by the Directors to India. They were empowered to call the old files and thereby review the administration. Regarding the composition of the Board, it may be stated that real power fell into the hands of the President of the Board of Control from the very beginning. Two of its members, Chancellor of the Exchequer and Secretary of State, never attended its meetings. Out of the remaining four members, only the senior member attended and the other three members absented themselves. The President of the Board of Control managed to get the signatures of the Secretary of State and Chancellor of the Exchequer.

(2) A Committee of Secrecy, consisting of three Directors, was appointed to take the place of the Court of Directors in political and military matters.

(3) Directors were to retain the right of making appointments to different offices in India. They were also given the power of revising and reviewing the acts of the Indian administration.

(4) The Court of Proprietors was deprived of its right of overriding the decisions of the Court of Directors.

(5) Governor-General-in-Council was given the power of superintending, controlling and directing the several Presidencies. Formerly the Executive Council of the Governor-General consisted of four members. Pitt's India Act provided that the Councils of Governor-General and Governors were to consist of 3 members and one of them was to be the local Commander-in-Chief.

(6) It was declared that the official offenders were not to be pardoned if they were found guilty of having committed any offence. Better provision was made for the trial in England for offences committed in India. For the purpose of dealing with those cases, a Special Court of 3 Judges, 4 Peers and 6 members of the House of Commons was created.

(7) The Act disapproved the policy of intervention as followed by the servants of the Company in India. The following clause was inserted into the Act : "Whereas to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour and the policy of this nation, the Governor-General and his Council were not without the express authority of the Court of Directors or of the Secrecy Committee, to declare war, commence hostilities, or enter into any treaty for making war, against any of the country, provinces or states in India...."

(8) Governor-General was to be appointed by the Directors with the approval of the Crown. However, no such approval was required in the matter of the appointment of the Governors of the Presidencies and their Councils and also the members of the Governor-General's Council. The Crown could recall the Governor-General or the Governors.

The importance of the Pitt's India Act lies in the fact that it introduced what is known as the system of dual control from England. The President and the Board were destined to be the future Secretary of State for India and his Council The Act helped the unification of India by making the Governor-General supreme over the Governors of the other Presidencies. The deletion of one member from the Executive Council of the Governor-General made his position stronger. He could act according to his judgment by using his casting vote. The same was the case with the Governors. The British Parliament claimed supremacy over the possessions of the Company in India. The new provision for trying persons of British descent committing offence in India was a novel one. The Proprietors lost their original importance and position. The Committee of Secrecy was given independent powers as apart from the Court of Directors.

Critics point out certain defects in the Pitt's India Act. The Government of India was vested in the majority of a constantly "changing Council". The result was that even a weaker member like Mr. Macpherson could become Governor-General. President of Board of Control could afford to be irresponsible as he was not required to submit his accounts to Parliament. The Directors became meek and submissive before the President of Board of Control. Nothing was said with regard to the relationship between Board of Control and the Directors According to Ilbert, "The double Government established by Pitt's Act of 1784, with its cumbrous and dilatory procedure and its elaborate system of checks and counter-checks, though modified in details, remained substantially in force until 1858. In practice the power vested in the Board was exercised by the Senior Commissioner other than the Chancellor of Exchequer or Secretary of State. He became known as the President of the Board of Control, and occupied a position in the Government of the day corresponding to some extent to that of the Secretary of State for India."

According to Lord Palmerston, "The functions of Government and the responsibility have been divided between the Board of Control, the Court of Directors and the Governor-General in India, and among these authorities it is obvious that despatch and unity of purpose can hardly by possibility exist. Before a dispatch upon the most important matter can go out to India, it has to oscillate between the Common Row and the India House."

Act of 1786. The Act of 1786 made Carnwallis the Commander-in-Chief of the Indian forces. He was also given the power to over-ride his Council on his own responsibility.

Declaratory Act of 1788. Dundas was the first President of Board of Control. He was a friend of Pitt, the Younger. He adopted an attitude which was not liked by the Directors and no wonder differences arose among them. The Board of Control sent four Royal Regiments of troops to India and charged their expenses to Indian Revenues. The Directors referred to the Act of 1781 and pointed out to the illegality of the procedure. The result was that the Declaratory Act of 1788 was passed by the British Parliament. It

vested full power and supremacy in the Board of Control. This was a definite step in transferring the power of a Company to the Crown. It was also provided in the new Act that the Directors should place the annual accounts of the Company before Parliament. In matters of granting gratuity for services and increment in salaries, the Board of Control was required to take the approval of the Directors About the new Act, Mill observed thus: "The Bill is an absurdity which resembled a contradiction in terms."

Charter Act of 1793. The English East India Company was given a new Charter in 179'. Act of 1793 is a very long one. It repealed many old laws and consolidated the existing ones. However, it did not make any alterations. (1) The Governor-General and the Governors were given the power to over-ride their Councils. The power had been given specially to Cornwallis in 1786.

(2) The control of the Governor-General over the Presidencies of Madras and Bombay was emphasised. It was laid down that when the Governor-General went to a Presidency, he superseded the Governor.

(3) The Governor-General was given the power to appoint a Vice-President of his Executive Council from the members of the Council. The Vice-President was to act in place of the Governor-General when the latter was absent from Bengal.

(4) The Commander-in-Chief was not to be a member of the Council of the Governor-General unless he was specially appointed to be a member by the Court of Directors.

(5) No leave of absence out of India was to be allowed to the Governor-General, Governors, the Commander-in-Chief and a few other high officials during their tenure of office.

(6) The admiralty jurisdiction of the Calcutta Supreme Court was extended to the high seas.

(7) Power was given to appoint members of the civil service as Justices of the Peace, to appoint scavengers for the Presidency towns, to levy a sanitary rate and to forbid the sale of liquor without a licence.

(8) It was provided that the payment of the members and the staff of the Board of Control should be made out of the Indian revenues. This system continued up to 1919.

(9) It was provided that the two junior members of the Board of Control need not be Privy Councillors.

(10) The Act tried to regulate the finances of the Company. A particular amount was assumed to be the annual surplus of the Company. Out of the annual surplus, five lakhs of pounds were to go to liquidation of the debts of the Company, and a similar amount was to be absorbed in increasing the dividend from 8 per cent to 10 per cent.

(11) The Charter of the Company was renewed for 20 years. 3,000 tons were allowed for private trade but this right was never exercised.

Charter Act of 1813. The Charter Act of 1793 had renewed the Charter of the Company for 20 years. When the time for the renewal of the Charter arrived, there was a lot of agitation. The people demanded the ending of the commercial monopoly of the Company. They were determined to have a share in the trade with India. They pointed out four advantages which the abolition of monopoly would bring, *viz.*, the extension of British commerce and industry, the prevention of the diversion of Indian trade to other countries of Europe or America, the reduction in the cost of trade, especially in transportation and warehousing charges, and the cheapening of the Indian raw imports into British. Stalwarts like Warren Hastings, Malcolm and Munro defended the monopoly of the Company. Ultimately, the Charter Act of 1813 was passed after many changes and compromises.

(1) The Act of 1813 renewed the Charter of the East India Company for 20 years. The Company was deprived of its monopoly trade with India, but she was to enjoy her monopoly of trade with China for 20 years. The Indian trade was thrown open to all British merchants, although they had to work under certain limitations. The Directors were to grant licences to those Englishmen who applied for permission to trade with India. Licences were also to be given to persons who wanted to come to India for the purpose of enlightening or reforming the Indians or for other lawful purposes If the Directors refused to issue a licence, the Board of Control could be approached for the same purpose. The persons who tried to go to India without a licence were to be regarded as interlopers and were liable to punishment.

(2) The Act laid down certain rules for the application of the Indian revenues. Maintenance of forces was to be the first charge on the revenues of the Company, payment of interest was the second charge, and the maintenance of the civil and commercial establishment was the third charge. Provision was also made for the reduction of the debt of the Company. The Company was required to keep its commercial and territorial accounts separately.

(3) It was provided that not more than 29 thousand troops were to be maintained out of the revenues of the Company.

(4) The Company was authorised to make laws, regulations and articles of war for the Indian troops. It was also authorised to provide for the holding of Court-Martials.

(5) The powers of superintendence and direction of the Board of Control were not only defined but also enlarged to a very great extent.

(6) The local Governments in India were empowered to impose taxes on persons, and punish those who did not pay them. These powers were to be exercised by the local Governments subject to the jurisdiction of the Supreme Court.

(7) The Act provided for the religious learning and education of the people of India. A sum of Rs. 100,000 a year was to be set "apart and applied to the revival and to the improvement of litera-

ture and the encouragement of the learned natives of India and for the introduction and promotion of a knowledge of the sciences among the inhabitants of the British territories in India."

(8) The Act also made provision for the training of the civil and military servants of the Company. The college at Haileybury and military school at Adiscombe were to be maintained and brought under the authority of the Board of Control. The colleges at Calcutta and Madras were also to work according to the regulations of the Board of Control.

(9) The Act provided for the appointment of a bishop and three arch-deacons for the religious welfare of the Europeans in India.

(10) The Act made special provisions for the administration of justice in cases in which the Britishers and Indians were involved. Special penalties we reprovided for theft, forgery and coinage offences.

Charter Act of 1833. The Charter of the Company was renewed in 1833. There was a lot of controversy before the Charter was actually renewed. The Englishmen were opposed to the continuance of the monopoly of the Company and consequently one of the provisions of the new Charter was that the monopoly of the Company was to be abolished. While the commercial functions of the Company ended, its political functions were to continue. The Government of India was to pay the debts of the Company. The shareholders of the Company were guaranteed a dividend of 10½ per cent per annum out of the Indian revenues for the next 40 years. The Indian possessions of the Company were declared to be held by the Company in trust for the British Crown.

(2) The Charter Act restricted the patronage of the Directors. It was provided that nominations to seats in the Haileybury college were to be double the number of vacancies in the services. Nominated persons were to join the college and the top-most candidates among them were to be selected to fill the vacancies. This provision was amended in 1834 in favour of the Directors and continued up to 1853.

(3) President of the Board of Control became the Minister for Indian affairs. His colleagues disappeared both in fact and in name. The minister was to have two Assistant Commissioners who were to be assistants and not colleagues. The Secretary of the Minister occupied a position of great importance on account of his presence in Parliament and he spoke for his chief when the latter sat in the House of Lords.

(4) The Charter Act centralised the administration of the English Company in India. Governor-General in Bengal became the Governor-General of India. Governor-General-in-Council was given the power to control, superintend and direct the civil and military affairs of the Company in India. Presidencies of Bombay, Madras and Bengal and the other possessions were placed under the control of the Governor-General-in Council. All revenues were to be raised under the authority of the Central Government. The Central Gov-

ernment was to have complete control over expenditure. So far as the Presidencies were concerned, they were permitted to expend only that amount which was approved for them by the Central Government. The creation of any new office which carried a pension, was to require the sanction of the Central Government. Governor-General-in-Council could suspend any member of the Governments of Madras and Bombay who disobeyed him. If the Provincial Government failed to carry out the orders of the Central Government it could be superseded. When the Governor-General went to a Presidency, he was to supersede the Governor and exercise the right of over-riding the local Council.

(5) The Charter Act also brought about the legislative centralisation of India. Formerly, the Presidencies could make their own laws and consequently there was a lot of confusion in the laws of the country. With a view to set up a uniform system of laws for the whole of the country, the Presidencies of Bombay and Madras were deprived of their law-making powers. In future, the Governor-General-in-Council alone was to make laws. He could make laws on all subjects. Those laws were to apply to all things and to all persons in British India. Those laws were enforceable by all the courts in the country and no one could refuse to enforce them. Governor-General in-Council was authorised to make Articles of War and Code of military discipline and provide for the administration of justice The power of making laws included also the power of making, repealing, amending or altering any laws and regulations in force in India. However, there were certain limitations on the law-making power. Governor-General-in-Council could not alter the constitution of the Company or amend the Charter itself. It should not alter the Mutiny Act. It could not alter the prerogatives of the Crown. It could not pass laws against the laws of England. The laws passed by the Government of India were to be called Acts. Before 1833, they were known as regulations.

(6) The Charter Act added a new Member to the Executive Council of the Governor-General known as the Law Member. His work was purely legislative. He attended meetings of the Executive Council of the Governor-General by special invitation. He was not given any vote. Neither the presence nor the concurrence of the Law Member was necessary either for the consideration of the bill or for its passage. The quorum of the Executive Council was fixed at three for legislative work and two for administrative work.

(7) The number of the members of the Councils of the Governors of Bombay and Madras was reduced to two.

(8) Bombay and Madras were to keep their separate armies under their Commanders-in Chief, but they were to be under the control of the Central Government.

(9) The Act provided for the codification of laws in India. Provision was made for the appointment of a Law Commission for that purpose. It was recognised that there was a lot of confusion and uncertainty in the laws in force in the country. The laws varied from Presidency to Presidency. What was legal at one place was

illegal at another. What was considered to be a trivial offence at one place, was considered to be a serious one at another. To quote the Law Commission, "The British regulations having been made by three different legislatures, contained, as might be expected, very different provisions. Thus, in Bengal, serious forgeries were punishable with imprisonment for a term double of the term fixed for perjury. In the Bombay Presidency on the contrary perjury was punishable with imprisonment for a term double of the Madras Presidency. There were many more and equal glaring discrepancies. The result was utter chaos and confusion in administering the law of crimes." Referring to the confusion and uncertainty of the law, the judges of the Supreme Court of Calcutta stated that "no one could pronounce an opinion or form a judgment, however sound, upon any disputed right of persons respecting which doubt and confusion may not be raised by those who may choose to call it in question; for very few of the public persons in office, at home not even the law officers, can be expected to have so comprehensive and clear a view of the present Indian system, as to know readily and familiarly the bearings of each part of it on the rest. There are English Acts of Parliament specially provided for India, and others of which it is doubtful whether they apply to India, wholly, or in part or not at all. There is the English common law and constitution of which the application, in many respects, is still more obscure and perplexed; Mohammedan law and usage, Hindu law, usage and scripture; Charters and Letters Patent of the Crown; Regulations of the Government, some made declaredly under Acts of Parliament particularly authorising them, and others which are founded, as some say, on the general power of Government entrusted to the Company by the Parliament, and others assert on their rights as successors of the old native Government; some regulations require registry in the Supreme Court, others do not; some have effects generally throughout India, others are peculiar to one Presidency or two." According to Campbell, "Our criminal law is very much a patch-work.... engrafted at all times and seasons on a ground nearly covered and obliterated. The general result is that all the worst and most common crimes are satisfactorily provided for by special enactments; but that there is very great want of definition, accuracy and uniformity as to the miscellaneous offences....We have the main points of a tolerable system; but it wants re modelling, classification and codification." Regarding the condition of the local system at that time, another writer has remarked thus: "At this time, each of the three Presidencies enjoyed equal legislative powers; though the Governor-General possessed the right of veto over the legislation of the subordinate Governments, it had in fact been little exercised. There had come into existence three series of regulations, as these enactments were called, frequently ill-drawn, for they had been provided by inexperienced persons with little skilled advice; frequently conflicting in some cases as a result of varying conditions but in others merely by extant; and in all cases enforceable only in the Company's Courts, because that had been submitted to and registered by the King's Court." (*Cambridge History of the British Empire*, Vol. V, p. 5).

No wonder, Section 53 of the Charter Act, 1833 provided thus : "And whereas it is expedient....that such laws as may be applicable in common to all classes of the inhabitants of the said territories, due regards being had to the rights, feelings and peculiar usages of the people should be enacted and that all laws and customs having the force of law within the same territories should be ascertained and consolidated and as occasion may require amended. Be it therefore enacted....and the said Commission shall fully inquire into the jurisdiction, powers and rules of the existing courts of justice and police establishments in the said territories and all existing forms of judicial procedure and into nature and operation of all laws whether civil or criminal, written or customary, prevailing and in force in any part of the said territories and whereto any inhabitants of the said territories whether Europeans or others are now subject ;

"and the said Commission shall from time to time make reports in which they fully set forth result of their said enquiries and shall from time to time suggest such alterations as may in their opinion be non-officially made in the said courts of justice and police establishments, forms of judicial procedure and laws, due regard being had to the distinction of castes, difference of religion and the manners and opinions prevailing among different races and in different parts of the said territories."

(10) Section 87 of the Act declared that no Indian subject of the Company in India was to be debarred from holding any office under the Company "by reason of his religion, place of birth, descent and colour." This was a declaration of very great importance. It is true its immediate effect was very little, but it was to have far-reaching effects in the long run.

(11) Europeans were allowed to come to India and settle. However, they were required to get themselves registered on their landing on the Indian soil. Governor-General-in-Council was empowered to take measures to protect Indians from insult and outrage with regard to their person, religion, and opinions at the hands of Europeans.

(12) The Bishops of Bombay, Madras and Calcutta were to be appointed for the benefit of Christians in India.

(13) The Government of India was required to take measures for the abolition of slavery and betterment of slaves.

(14) The Act proposed to divide the Presidency of Bengal into two Presidencies, *viz*., Presidency of Agra and Presidency of Bengal. However, this provision was suspended by the Act of 1835 which authorised the appointment of a Lieutenant-Governor for the North Western Provinces. The Governor-General of India was to continue as the Governor of Bengal.

Critics point out that the Act of 1833 was passed before "empty benches and an uninterested audience" of the House of Commons. But the *Calcutta Gazette* of October, 1833, hailed the Charter's renewal by call for a general 'illumination and a display of fireworks,' which were granted, and brought much satisfaction to a populace always

agreeably avid for *Tamashas*. (*British Rule in India by Thompson and Garratt*, p. 302).

According to Herbert Cowell, "Thus there was established in India one central legislative authority in place of the three Councils which had before existed. The new Council was armed with authority to pass Laws and Regulations for the whole of the British territories in India. It continued to exist with some changes and modifications till 1861, when it again gave way to the prevalent desire for local Legislative Councils. During that time it passed a considerable number of Acts, some of general application throughout the empire, but the greater portion having a limited and partial operation. Local Legislatures had been tried and superseded by an Imperial Legislature, which in its turn was found inadequate to the political necessities of the country. An attempt was made to increase its usefulness and authority in 1853. But in 1861 a new system was introduced by which local Legislatures were re-established, not to supersede, but to work in harmony with and to a certain extent in subordination to the Legislative Council of the Viceroy."

Charter Act of 1853. The Charter of the Company was renewed again in 1853. According to the new Act, the Law Member was made a full member of Executive Council of the Governor-General. Governor-General was given power to nominate a Vice-President of his Council. Discussion of measures which had already begun, was thrown open to public. Different legislative measures were entrusted to Select Committees for examination. Consent of Governor-General was made necessary for all legislative proposals.

(2) Provinces were allowed to send one representative each to the Central Legislative Council. No measure concerning any province was to be considered unless the representative from that province was present The Chief Justice of the Supreme Court of Calcutta was to be an *ex-officio* member of the Council and one more member was also to be appointed. The Governor-General was given the power of appointing two more civil servants as members of the Council. However, the power was never exercised.

The Council in its legislative capacity was to consist of 12 members. Those were the Governor-General, Commander-in-Chief, 4 members of the Council, and 6 legislative members. Out of these 6 members, 4 were the representatives from the provinces and the other two were the Chief Justice and a puisne judge. Representatives from the provinces were to be given £5,000 annually. "There was at least one member present with local knowledge and what may be called the English element in the Council was greatly increased."

(3) Provision was made for the appointment of a separate Governor for the Presidency of Bengal, and until that was made, the Court of Directors might authorise the Governor-General of India in Council to appoint a covenanted servant of ten years' standing as the Lieutenant-Governor of the Province. The latter appointment was made as it was the cheaper of the two.

(4) Power was given to the Court of Directors to constitute a new Presidency. Power was also given to alter and regulate from

time to time the limits of the various provinces. This power was used to create the Punjab into a Lieutenant-Governorship.

(5) The patronage of the Court of Directors was taken away. In future, vacancies were to be filled up by competitive examination. A committee was appointed in 1854 with Lord Macaulay as President for that purpose.

(6) The number of the Directors was reduced to 18 and 6 were to be nominated by the Crown.

(7) The Act authorised the Crown to appoint a Law Commission in England. This Law Commission was required to examine and put into shape the mass of reports and drafts of the Act left by the Indian Law Commission and to recommend what legislation was necessary. The appointment of the English Law Commission was resented. It made the Home Government interfere in the details of the Indian legislative enactments and attempted to reduce the Indian Legislative Council to the position of a mere registration office. Sir Charles Wood quarrelled with Lord Dalhousie on the question of the extent of the independence to be allowed to the council.

(8) The Charter Act of 1853 renewed the powers of the Company and allowed it to retain possession of the Indian territories "in trust for Her Majesty, her heirs and successors" until Parliament shall otherwise provide.

Criticism. Observers point out that the Act of 1853 marks the beginning of a Parliamentary system in India. According to Cowell, "Discussion became oral instead of in writing ; bills were referred to Select Committees instead of to a single member ; and legislative business was conducted in public instead of in secret."

The great defect of the Act of 1853 was that no Indian element was associated with the Legislative Council. Its knowledge of the local conditions outside Bengal was not adequate for making laws for other provinces. "The terrible events of the Mutiny brought home to men's minds the dangers arising from the entire exclusion of Indians from association with the legislation of the country." According to Sir Syed Ahmed, this system deprived the people of India of the means of entering any protest against any unpopular measure. The government also got no opportunity of explaining their aims and intentions which were consequently misunderstood. In his Minute of 1860, Sir Bartle Frere advocated the need of including Indians in the Legislative Council in order to do away with "the perilous experiment of continuing to legislate for millions of people with few means of knowing except by rebellion, whether the laws suit them or not."

There were other difficulties which threatened to alter the whole structure of the Indian Government. "Contrary to the intentions of the framers of the Act of 1853, it (the Legislative Council) had developed into '*an Anglo-Indian House of Commons*' questioning the Executive and its acts, and forcing it to lay even confidential papers before it. It had refused to submit legislative projects to the Secretary of State before their consideration in the Council, and had refused to pass any legislation required by the Secretary of State

(or the Court of Directors before 1858) ; on the other hand it asserted its right of independent legislation."

The spirit of independence displayed by the Legislative Council from the very beginning disturbed its author, Sir Charles Wood, the President of the Board of Control. "I do not look upon it," said he, "as some of the young Indians do, as the nucleus and beginning of a constitutional parliament in India." Dalhousie pointed out that he had not "conceded to the Legislative Council any greater power than the law clearly confers upon it." It has been very aptly observed that Wood "was neither the first nor the last legislator to fail in limiting the consequences of Bill to his intentions."

GOVERNMENT OF INDIA ACT, 1858.

There was a lot of agitation in England against the continuation of the rule of the English East India Company. It was pointed out that a trading company whose main objective was profit could not be entrusted with the work of the administration of a sub-continent like India. The out-break of the Mutiny and its suppression strengthened the hands of those who demanded the abolition of the rule of the Company. The Government of Great Britain decided to abolish the Company. Naturally, the Company protested. It challenged the most searching investigation into the causes of the Mutiny and maintained that the British Government was also responsible for errors of omission and commission of the Company because the British Government had the deciding voice in the affairs of the Company. The Company also took pride in its achievements in India. However, in spite of all this, Lord Palmerston introduced his Bill for the better Government of India in Parliament. While introducing the Bill, he declared thus : "The principle of our political system is that all administrative functions should be accompanied by ministerial responsibility, responsibility to Parliament, but in this case the chief functions in the Government of India are committed to a body not responsible to Parliament, not appointed by the Crown but elected by persons who have no more connection with India than consists in the simple possession of so much India stock." In spite of the opposition, the Act was passed by the Parliament in 1858.

Provisions of the Act. (1) The Act of 1858 declared that henceforth "India shall be governed by and in the name of the Queen", and vested in the Queen all the territories and powers of the Company. However, the Government of India was to be carried on by the Viceroy on behalf of the Queen. The military and naval forces of the Company were transferred to the Crown.

(2) The Board of Control and the Court of Directors were abolished and all the powers possessed by them were given to the Secretary of State for India and his India Council. The Secretary of State was given the power to superintend, control and direct the affairs of the Government of India. He was to sit in Parliament and was also to be assisted by a Parliamentary Under Secretary. Secretary of State was to be a member of the Cabinet, but his salary and allowances were made a charge on the revenues of India.

(3) As regards the India Council of Secretary of State, it was to consist of 15 members. Out of the total, 7 were to be elected by the Court of Directors and the rest of the 8 members were to be appointed by the Crown. More than half the members of the Council were to be those persons who had lived in India for 10 years or more and had not left India for more than 10 years at the date of appointment. The members were to hold office during good behaviour. Each member was to get a remuneration of £1200 annually from the revenues of India.

(4) The Secretary of State was to preside over the meetings of the India Council. He was given not only a vote but also a casting vote. The Council was to meet twice a week. The members of the India Council could be divided into various committees for purposes of administrative convenience. Ordinarily, Secretary of State was given the power to over-rule even the majority decisions of the India Council. But in the case of grants or appropriation of Indian revenues, Secretary of State was not authorised to act against the majority view of his Council. The concurrence of a majority of members present at a meeting was required for division and distribution of patronage, for making contracts, sales and purchases on behalf of the Government of India and in all matters connected with the property of Government of India. The India Council was given control over civil and military servants of the Crown. Secretary of State was given the power of sending and receiving secret messages and dispatches from the Governor-General without the necessity of communicating them to the India Council. The India Council was a body of permanent civil servants who had expert knowledge about the affairs of India.

(5) The Secretary of State for India was declared to be a corporate body which could sue and be sued in England and in India. Secretary of State was required to present every year in the British Parliament a report on the moral and material progress of India. Rules and regulations made in India or by the Secretary of State were to be placed before the House of Commons. The Governor-General and the Governors of the Presidencies were to be appointed by the Crown. The Lieutenant-Governors were to be appointed by the Governor-General subject to the approval of Her Majesty. Members of the various Councils were to be appointed by Secretary of State in Council.

(6) It was laid down that except for the purposes of repelling invasion or for any other sudden or urgent necessity, Indian revenues were not to be employed for military operations ontside India without the consent of Parliament.

(7) The Act of 1858 divided the patronage between the Government of India and the Secretary of State in Council. All appointments and promotions "which by law or under any regulations, usage or custom are not made by any authority in India, shall continue to be made in India by the like authority." Appointments to the covenanted Civil Service were to be made by open competition in accordance with the rules made by the Secretary of State in Council with the help of the Civil Service Commissioners.

It may seem paradoxical but the fact remains that Parliament ceased to exercise control over India at the very moment it acquired it. The reason is that formerly power was in the hands of the Board of Control and Court of Directors and this made Parliament assert its authority. But when after the Mutiny, the Board of Control and Court of Directors were abolished and power came into the hands of the Secretary of State for India who was responsible to Parliament, the latter got satisfied. It was satisfied because it got what it wanted to get and having got it, it neglected to exercise the power of continuously controlling and criticising Indian administration. Another reason was that Secretaries of State for India were far abler men than the members of Board of Control. The quick means of communication between India and England made Indian news available in England much more swiftly than before. Parliament was content with leaving the Secretary of State alone to act as he pleased. The Secretaries of State managed the affairs of India in an efficient manner. Moreover, from 1857 to 1915, British politicians and parties were too much busy in other affairs of their own and had no inclination to study Indian problems. The intricacy and vastness of the Indian problems made it hardly worth while to pursue them even as a scientific hobby. As the most brilliant Englishmen had entered the Indian Civil Service and were carrying on the administration of India, it was thought ungenerous to criticise them. Thus developed the theory of trusting the man on the spot and supporting him. The Secretary of State backed the Governor-General and the latter the Governors and so on. Members of Parliament found that nothing was to be gained by interfering with the Indian affairs. Thus, Parliamentary interest in India was neither continuous nor sustained.

According to Sir H.S. Cunningham, the assumption of the Government of India by the Crown was '*rather a formal than a substantial change*." All real power had passed into the hands of the President of the Board of Control and the Directors occupied the position of an advisory council, although they enjoyed considerable powers of initiative. The Act of 1853 had weakened the position of the Directors all the more. They were deprived of their patronage. Their number was reduced from 24 to 18. Out of these 18, six were appointed by the Crown. Unlike the previous occasions, the Act of 1853 did not renew the Charter of the Company for 20 years. It merely stated that the Indian territories were to remain under the administration of the Company in trust for the Crown until the Parliament decided otherwise. It was evident that the Act of 1853 was preparing the way for the assumption by the Crown of the Government of India in name as well as in fact. The Act of 1858 merely completed the process begun earlier. The Secretary of State for India took the place of the President of the Board of Control and the India Council took the place of the Court of Directors. Out of the 15 members of the India Council, 7 were to be selected by the Court of Directors. It is true that some of the old powers of the Court of Directors passed to the Secretary of State, but its influence lingered on mainly in the Council.

It is pointed out that concentration of powers of the Court of Directors and Board of Control into the hands of the Secretary of State led to important consequences. To serve two masters may be a difficult business, but it had its advantages also. On account of the eternal rivalry between the Court of Directors and Board of Control, a shrewd and able Governor-General could and often did, play one against the other and had his way. They same rivalry between the authorities stood in the way of their formulating a strong and vigorous policy to which the Indian Government did not subscribe. Under the new set-up, the Secretary of State exercised his large powers practically without any control. He also exercised a greater degree of influence. The Act of 1858 vested the India Council with large powers over the financial policy of the Government of India, but these powers also gradually fell into the hands of the Secretary of State and enabled him to exercise an effective control over the Viceroy and his Council.

According to a critic, "The double government of India was a system of hocus pocus which deluded public opinion, obscured responsibility and evaded parliamentary control."

QUEEN'S PROCLAMATION OF 1858.

A Durbar was held by Lord Canning at Allahabad on November 1, 1858 to declare the assumption of the Government of India by the Crown. On that occasion, Lord Canning also read out the Queen's Proclamation to the princes and people of India. We are told that the ministers were directed to frame the draft "bearing in mind that it is a female sovereign who speaks to more than a hundred millions of Eastern people, on assuming the direct government over them and after a bloody war, giving them pledges, which her future reign is to redeem and explaining the principles of her government. Such a document should breathe feelings of generosity, benevolence and religious toleration, and point out the privileges which the Indians will receive in being placed on an equality with the subjects of the British Crown, and the prosperity following in the train of civilization." It is a matter of fact that the Queen's Proclamation was worded in accordance with her sentiments.

The following is the text of the Queen's Proclamation—

"Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the Colonies and dependencies thereof in Europe, Asia, Africa, America and Australia, Queen Defender of the Faith.

"Whereas for diverse weighty reasons, we have resolved by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled, to take upon ourselves the Government of the territories in India, heretofore administered in trust for us by the Honourable East India Company.

"Now, therefore, we do by these presents notify and declare that by the advice and consent aforesaid, we have taken upon ourselves the said Government; and we hereby call upon all our subjects within the said territories to be faithful, and to bear true allegiance to us, our heirs and successors, and to submit themselves

to the authority of those whom we may hereafter, from time to time see fit to appoint to administer the government of our said territories, in our name and on our behalf.

"And we reposing especial trust and confidence in the loyalty, ability and judgment of our right trusty and well-beloved cousin and Councillor Charles John Viscount Canning, do hereby constitute and appoint him, the said Viscount Canning to be our first Viceroy and Governor-General in and over our said territories and to administer the government thereof in our name and generally to act in our name and on our behalf, subject to such orders and regulations as he shall from time to time, receive from us through one of our principal Secretaries of State.

"We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained, and we look for the like observance on their part.

"We desire no extension of our present territorial possession; and while we will permit no aggression upon our dominions or our rights to be attempted with impunity we shall sanction no encroachment on those of others. We shall respect the rights, dignity and honour of our Native Princes as our own; and we desire that they as well as our own subjects, should enjoy that prosperity, and that social advancement which can only be secured by internal peace and good government.

"We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations by the blessing of Almighty God we shall faithfully and conscientiously fulfil.

"Firmly relying ourselves on the truth of Christianity and acknowledging with gratitude the solace of religion, *we disclaim alike the right and the desire to impose our convictions on any of our subjects.* We declare it to be our royal will and pleasure that *none be any wise favoured, none molested or disqualified by reason of their religious faith and observances*; but that *all shall alike enjoy the equal and impartial protection of the law*, and we do strictly charge and *enjoin all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure.*

"And it is our further will that so far as may be, *our subjects of whatever race or creed be freely and impartially admitted to offices in our service*, the duties of which they may be qualified by their education, ability and integrity, duly to discharge.

"We know and respect the feelings of attachment with which the Natives of India regard the land inherited by them from their ancestors and we desire to protect them in all rights connected therewith subject to the equitable demands of the State and we will do that generally in framing and administering the law, due regard be paid to the ancient rights, usages and customs of India."

The proclamation went on to declare unconditional pardon, amnesty and oblivion for the past offences and ended by declaring that "When by the blessings of Providence internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry, to promote works of public utility and improvement and to administer its government for the benefit of all our subjects resident therein. *In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward.*"

To put in simple language, the Queen's Proclamation assured the Indian princes that their territories will not be annexed by the British Government and they shall be given the right of adoption. The British Government ordered its servants in India not to interfere in the religious affairs of the Indians. In framing and administering law in India, due regard was to be shown to the customs, ancient rites and usages of the Indians. Indian subjects of Her Majesty were declared equal with the British subjects in other parts of the Empire. Equal rights and opportunities were guaranteed to the Indians along with other British subjects. Pardon and amnesty were offered to all those Indians who were still in arms against the British Government and who were not guilty of murder of British subjects. Treaties of the English East India Company were declared to be in force.

The Queen's Proclamation of 1858 is a great landmark in the constitutional history of India. This declaration of policy remained the basis of Indian administration up to 1917 when a new declaration was made by the British Government with regard to India. The declaration tried to remove the fears of the Indian princes by guaranteeing to them their position. It also gave an assurance to the Indians that the Englishmen will not interfere in the religious affairs.

According to Mukherji, "It sealed the unity of Indian Government and opened a new era. . This memorable Proclamation, justly called the Magna Charta of India, was published at every large town throughout the country and translated into the vernacular languages."

Indian Councils' Act 1861. According to Herbert Cowell, "The events which immediately led to the passing of the Indian Councils Act, 1861, were the differences which arose between the Supreme Government and the Government of Madras on the Income Tax Bill ; the doubts which had been raised as to the validity of laws introduced into non-regulation Provinces without enactment by the Legislative Council ; and the address of Legislative Council for the communication to it of certain correspondence between the Secretary of State and the Supreme Government of India."

While introducing the Bill in the House of Commons, Sir Charles Wood complained that, quite contrary to what was intended, the Legislative Council had become a sort of debating society or petty parliament. He quoted with approval the criticism of Sir Lawrence Peel that the Legislative Council "has no jurisdiction in the nature of that of a grand inquest of the nation. Its functions

are purely legislative, and are limited even in that respect. It is not an Anglo-Indian House of Commons for the redress of grievances, to refuse supplies, and so forth."

The view of the British Government with regard to the changes to be made was expressed by Sir Charles Wood in these words : "I propose that when the Council meets for the purpose of making laws, the Governor-General should summon in addition to the ordinary members of the Council, not less than six nor more than twelve additional members, of whom one-half at least shall not hold office under the Government. These additional members may be either Europeans, persons of European extraction, or Natives. Lord Canning strongly recommends that the Council should hold its meetings in different parts of India for the purpose of obtaining at times the assistance of those Native chiefs and nobles whose attendance at Calcutta would be impossible, or irksome to themselves. I do not propose that the Judges ex-officio shall have seats in the Legislature ; but I do not preclude the Governor-General from summoning one of their number if he chooses. The Council of the Governor-General, with these additional members, will have power to pass laws and regulations affecting the whole of India, and will have a supreme and concurrent power with the minor legislative bodies which I propose to establish in the Presidencies and other parts of India." Again, "Lord Canning strongly feels that although great benefits have resulted from the introduction of members into his Council who possess a knowledge of localities, the interest of which differs widely in different parts of the country ; yet the change has not been sufficient in the first place to overcome the feeling which the other Presidencies entertain against being overridden, as they call it, by the Bengal Council ; or, on the other hand, to overcome the disadvantages of having a body legislating for these Presidencies without acquaintance with local wants and necessities. This must obviously be possessed to a much greater extent by those residing on the spot. And, therefore, I propose to restore, I may say to the Presidencies of Madras and Bombay, the power of passing laws and enactments on local subjects within their own territories ; and that the Governor of the Presidency, in the same manner as the Governor-General, when his Council meets to make laws, shall summon a certain number of additional members, to be as before, either European or Native, and one-half of whom at least shall not be office-holders."

(1) The new Act provided for the addition of a fifth member to the Executive Council of the Viceroy. He was required to be a gentleman of legal profession, a jurist rather than a technical lawyer.

(2) The Act empowered the Governor-General to delegate special business to individual members of the Executive Council, and henceforward the various members of the Council had their own portfolios and dealt on their own initiative with all but the most important matters. The most important matters were placed before the Governor-General and if any differences of opinion appeared, those were considered by the whole Council. Governor-General was authorised to nominate a President who was to preside over the

meetings of the Executive Council in his absence. He was given the power of making rules and regulations for the conduct of the business of the Executive Council.

(3) The Executive Council of the Governor-General was to be strengthened by the addition of not less than 6 and not more than 12 members nominated by the Governor-General for purposes of legislation.[1] Not less than half of the additional members were to be non-officials and they were to hold office for two years. The function of the Council was strictly limited to legislation and the Act expressly forbade the transaction of any other business. It was empowered "to make laws and regulations for all persons whether British or native, foreigners or others, and for all places and things whatever within the said territories, for all servants of the Government of India within the dominions of princes and states in alliance with Her Majesty." Certain restrictions were put on the legislative powers. The previous sanction of the Governor-General was required for introducing any legislation concerning certain specified subjects such as public debts, public revenues. Indian religious rites, military discipline and policy towards the Indian states. No law could be made which infringed the authority of the Home Government or violated the provisions of certain Acts made by the Parliament. Governor-General was given the power of vetoing any law passed by the Council. In case of emergency, he was also empowered to issue ordinances which possessed the same authority as law. These ordinances were to remain in force for six months unless they were disallowed or repealed by an ordinance or law. The cause of issuing an ordinance was to be notified to the Secretary of State for India at once. The approval of the Governor-General was made necessary to every Act passed. The right to disallow Acts was reserved for the Crown and the general authority of the British Parliament and Crown were expressly reserved.

(4) The Governments of Bombay and Madras were given the power of nominating the Advocate-General and not less than four and not more than 8 additional members at the Executive Council for purposes of legislation. These additional members were to hold office for two years. The business of the Council was to be strictly legislative. The consent of the Governor and the Governor-General was made necessary for all legislation passed or amended by the Governments of Madras and Bombay.

(5) No distinction was made between the central and provincial subjects. However, measures concerning public debt, finances, currency, post-office, telegraph, religion, patents and copyrights were ordinarily put under the control of the Central Government.

1. Sir Bartle Frere observed thus in 1860, "The addition of the native element has, I think, become necessary owing to our diminished opportunities of learning through indirect channels what the natives think of our measures, and how the native community will be affected by them....No one will, I think, object to the only means of regaining in part the advantages which we have lost, unless he is prepared for the perilous experiment of continuing to legislate for millions of people, with few means of knowing, except by a rebellion, whether the laws suit them or not."

(6) The Governor-General was given the power to create new provinces. He was also given the power to appoint Lieutenant-Governors. He was also authorised to divide or alter the limits of any presidency, province or territory.

The Indian Councils' Act of 1861 marked an important step in the constitutional history of India. It made a beginning in representative institutions and legislative devolution. It helped the Governor-General to associate non official Indians for purposes of legislation. The Central and Provincial Councils fulfilled the threefold purpose of publicity, discussion and information. The people got an opportunity to put forward their grievances and the Government got an opportunity to defend its policy. However, it is to be noted that the non-official members of the Council were nominated by the Viceroy and not elected by the people. These non-official members were either the Indian princes or their Diwans, big Zamindars or retired officials, and not the natural leaders of the people who could really reflect and mirror their views and aspirations. The non-official members did not show much interest in the meetings of the Council. As a matter of fact, they showed the utmost reluctance to come and utmost hurry to depart. That may be due to the fact that the powers of the Legislative Councils were very much restricted. The non-official members had practically no say in the matter. The Council merely registered the decrees of the executive. No doubt, the experiment was a failure, but it made the beginning of representative institutions.

The Act of 1861 had been considered to be a retrograde measure. The right of asking questions and the right to deliberate on matters of policy were not given to it. The position of the legislative councils has been described thus : "They are committees for the purpose of making law—committees by means of which the Executive Government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of the law-making process.... The Councils are no deliberative bodies with respect to any subject but that of immediate legislation before them. They cannot enquire into grievances, call for information or examine the conduct of the executive." (*Report on Constitutional Reforms*, pp. 40-41.)

According to Principal G. N. Singh, the Indian Councils Act, 1861, is important in the constitutional history of India for two chief reasons. "Firstly, because it enabled the Governor-General to associate the people of the land with work of legislation, and secondly by vesting legislative powers to the Governments of Bombay and Madras and by making provision for the institution of similar legislative Councils in other provinces it laid the foundations of the policy of legislative devolution which resulted in the grant of almost complete internal autonomy to the provinces in 1937."

The Act of 1861 made the Governor-General omnipotent, brought the whole of India under his control, vested powers of emergency in the Governor-General, put restrictions on the right of the people regarding free discussion and introduction of motions other than those of legislation, and tried to unify India by bringing both

the Regulation and non-Regulation provinces under the supreme control of the Governor-General, who himself was to abide by the Crown, the authority of Parliament and its enactments. Thus the Act 'modified the constitution of the Governor-General's executive council, and remodelled the Indian Legislatures."

According to Lord Macdonell, "The character of the Legislative Council established by the Act of 1861 is simply this, that they are Committees for the purpose of making laws—Committees by means of which the executive Government obtains advice and assistance in their legislation, and the public derive the advantage of full publicity being ensured at every stage of law-making process . . . . The Councils are not deliberative bodies with respect to any subject but of the immediate legislation before them. They cannot inquire into grievances, call for information, or examine the conduct of the executive. The acts of administration cannot be impugned, nor can they be properly defended in such assemblies, except with reference to the particular measure under discussion."

Indian Councils' Act of 1892. For full 31 years, the British Government did not consider it necessary to give a further instalment of reforms to the people of India. Ultimately, Lord Dufferin suggested the grant of further reforms so that there may be no agitation. His detailed proposals, after modification, were carried through by Lord Cross as the Indian Councils' Act, 1892. This Act enlarged the functions of the Legislative Councils. They were authorised to discuss the annual financial statement under certain conditions and restrictions. According to Lord Curzon : "It is not contemplated to vote the budget in India item by item in the manner in which we do it in this House. But it is proposed to give opportunities to the members of the Councils to indulge in a full, free and fair criticism of the financial policy of the Government." The great merit of the new provision was that "the Government will have an opportunity of explaining their financial policy, of removing misapprehension, of answering calumny and attack ; and they will also profit by the criticism delivered in a public position, and with a due sense of responsibility by the most competent representatives of non-official India."

(2) The members of the Councils were given the right of addressing questions to the Government on matters of public interest. A previous notice of 6 days was to be given to the Government for asking a question. The President might disallow any question without giving any reason. Questions on matters of public interest could be asked "subject to such conditions and restrictions as may be prescribed in the rules made by the Governor-General for the provincial Governors."

(3) The number of additional members in the Council was increased. It was to be not less than 10 and not more than 16 in the case of the Supreme Council and not less than 8 and not more than 20 in the case of Madras and Bombay. The maximum number for Bengal was fixed at 20 and for North-Western Province and Oudh 15. Two-fifths of the additional members were to be non-officials.

(4) As a result of the pressure brought by the Indian National Congress, the Government agreed to allow elections to be held in India under the rules, though the members so elected could take their seats only after being nominated by the Government. It was assured by the Government that "under this clause, it will be possible for the Governor-General to make arrangements by which certain persons may be presented to him, having been chosen by election, if the Governor-General should find that such a system can properly be established."

Defects in the Act. (1) Although the Indian Councils' Act of 1892 was the outcome of a lot of agitation and patient waiting, it did not give anything substantial to the people of India. No wonder, the critics point out many defects. The system of elections was a roundabout one. The people who got into the legislatures by this system did not represent the people in the real sense of the word. They could not sit in the legislatures as a matter of right of election.

(2) The functions of the Legislative Councils were strictly circumscribed. The members could not ask supplementary questions. The President could refuse the asking of any question, and there was no remedy against his ruling. The Councils did not get any substantial control over the Budget.

(3) The rules of election were unfair. Certain classes were over-represented and others did not find any representation at all. In the case of Bombay, out of the six seats two were given to the European merchants, but nothing was given to the Indian merchants. Two seats were given to Sind, but nothing was given to Poona and Satara.

(4) The number of non-official members was very small. Out of 24 members at the Centre, 14 were officials, 4 were elected non-officials and 5 were nominated non-officials.

(5) The Punjab was not given any representation in the Viceroy's Council.

(6) According to Gokhale, "The actual working of the Act manifested its hollowness. Bombay Presidency was given 8 seats. Two seats were assigned by the Government of India in their rules to the University of Bombay and Bombay Municipal Corporation. The Bombay Government gave two seats to the European Mercantile community, one seat to the Sirdars of Deccan, one to the Zamindars of Sind, and only 2 seats to the general public." It is evident that public representation was almost negligible.

(7) According to a critic, the Act of 1892 was "an attempt at compromise between the official view of the Councils as pocket legislatures and the educated Indian view of them as embryo parliaments. It makes a definite parting of the ways, the first milestone on a road leading eventually to political deadlock and a strangling of executive government. While no efforts were made to enlarge the boundaries of the educated class, to provide them with any training in responsible government, or to lay the foundations of a future electorate to control them, the Act deliberately attempted to dally with the elective idea."

(8) Sir Pherozeshah Mehta observed thus in 1890 when the bill was on the legislative anvil : "In framing it (the bill), the Prime Minister and the Indian Secretary of State seem to have been pervaded with a conception of the Indian people as a sort of Oliver Twist, always asking for more, to whom it would be, therefore, a piece of prudent policy to begin with offering as little as possible. The Government bill may be aptly described as a *most superb steam engine in which the necessary material to generate steam was carefully excluded, substituting in its place coloured shams to look like it.*"

(9) Mr. Schwann, a member of Parliament, described the increase in the number of additional members of the legislature "as a very paltry and miserable addition." In his presidential address at Poona in 1895, S. N. Banerjee observed thus : "If the Indian Councils Act of 1892 is to be given effect to in the spirit in which it was conceived by the distinguished statesmen who took part in its enactment, if it is to give to the people of India a living representation of the whole community and not of a small section of people, the number of elected members must be sensibly increased."

(10) The rights and privileges granted to the members of the legislative councils were strictly circumscribed. According to Smith, "The budget could be discussed but not until after the estimates had already been settled by the executive." As regards supplementary questions, Lord Lansdowne observed thus in 1892 : "The questions must be so framed as to be merely requests for opinion and must not be in an argumentative or hypothetical form or in a defamatory language. No discussion will be permitted in respect of an answer given to a question." According to S. N. Banerjee, "They (the restrictions) seem to me to defeat the purpose of a beneficial legislation. In the House of Commons, sometimes when an answer has been given, further questions are addressed to the Minister on the same subject apparently with a view to offering an explanation or removing a misconception. In the House of Lords, even greater latitude is allowed in putting questions. One of the objects which the Government had in view in conferring the right of interpellation was to afford opportunities for clearing up misconceptions with regard to the measures of Government and the conduct of officials. Looking at the matter from this standpoint, the object which the Government had in view would be best served by adopting the practice of the House of Commons—a practice which has seen the wisdom of ages."

(11) There was practically no chance for the non-official members to amend a bill introduced by the Government. The bill had to be passed in the form in which it had been previously approved of by the Government of India or the Secretary of State for India. Under the circumstances, debates in the legislatures were a mere formal ceremony. They were considered to be a farce by certain critics. To quote Sir Barnes Peacock, "He had always understood and still held that the office of a member of Council was a high and honourable one ; but if he believed that the constitution of this Council was such that its members were bound to legislate in any manner that either the Board of Control or the Honourable Court of Directors might

order, he should say that instead of being a high and honourable office, it was one which no man, who had a regard for his own honour and independence, could consent to hold, for his own part he could state freely and without hesitation that he would rather resign his office than hold it on that tenure. He believed that the trust and duty committed to every member of the Legislative Council was to act according to his own judgement and conscience."

(12) In his Presidential address delivered in 1893 at the Lahore session of the Indian National Congress, Dadabhai Naoroji observed thus : "By the Act of 1892, no member shall have the power to submit or propose any resolution or divide the Council in respect of any such financial discussion, or in answer to any question asked under the authority of this Act or the rules made under this Act. Such is the poor character of the extent of the concession made to discuss finances or to put questions. Rules made under this Act shall not be subject to alteration or amendment at meetings for the purposes of making laws and regulations. Thus, we are to all intents and purposes under an arbitrary rule."

(13) According to W. C. Banerjee, "The Act does not profess to give us much. We must go on with our agitation and not stop until we get what we all think and we all believe that what we have a right to get." According to C. Y. Chintamani, "Strictly limited were the opportunities of members, not a few of them did make themselves useful.

(14) According to Pandit Madan Mohan Malaviya, "The Act still left Indians without any real voice in the administration of their country. They found that the administration was not being conducted in the best interests of the people of the country, but it continued to be conducted on extravagantly costly lines. They found that level of taxation was maintained much higher than was necessary for the purpose of good administration ; the military expenditure of the Government was far beyond the capacity of the country to bear ; that an excessively large portion of the revenues raised from the people were being spent on what we may call imperial purposes."

(15) The Provincial Councils were too small in size to represent the people of the provinces. In the case of Bengal, 7 elected members represented 70 millions. There were certain parts of the provinces which were given practically no representation at all. In his Presidential address delivered at Lucknow, R. C. Dutt observed thus : "Half a dozen members elected under somewhat complicatad rules can scarcely express the views of the people of a province with a population of 30 to 40 millions or more. We do not wish for the absolute control of the administration of the country, but we do demand an adequate means of placing our views before the Government before it decides any question affecting our welfare."

However, one might conclude by saying that although the Act of 1892 fell far short of the demands made by the Indian National Congress, it was a great advance upon the existing state of things. By conceding the principle of election, and giving the Legislative

Councils some control over the Executive, it paved the way for future progress on those lines which were destined to place in the hands of the Indians a large measure of control over the administration of the country.

Minto-Morley Reforms (1909). The period between 1892 and 1909 was one of storm and stress. The Viceroyalty of Lord Curzon witnessed a lot of agitation and discontentment in the country. The same could be said about Lord Minto. The agitation against the partition of Bengal was widespread. The Government of India had to resort to very harsh measures to put down the nationalist movement in the country, However, the Government thought of winning over the moderates and for their purpose passed the Indian Councils Act in 1909. It was Lord Morley who piloted the Bill through the British Parliament.

Provisions of the Act. (1) The Act of 1909 increased the size of the Legislative Councils. The additional members of the Governor-General's Council were increased up to a maximum of 60, those of Madras, Bengal, U. P., Bombay and Bihar and Orissa to a maximum of 50 and those of the Punjab, Burma and Assam to 30.

(2) Lord Morley insisted on retaining a substantial official majority in the Imperial Legislative Council and consequently it was provided that the Imperial Legislative Council shall consist of 37 officials and 23 non-officials. Out of the 37 officials, 28 were nominated by the Governor-General and the rest were to be *ex-officio.* The *ex-officio* members were to be the Governor-General, 6 ordinary members of the Council, and two extraordinary members. Out of the 32 non-official members, 5 were to be nominated by the Governor-General and the rest were to be elected.

(3) The Act did not provide for any official majority in the Provincial Legislative Councils. The majority of the members were to be non-officials. However, this does not mean that there were to be non-official elected majorities in the Provincial Councils. Some of the non-officials were to be nominated by the Governor and the Government could always depend upon the unflinching loyalty of the nominated members. The Government could manage to have a working majority in the Provincial Legislative Councils with the help of the officials and the nominated non-officials. To take one example, the Madras Legislative Council consisted of 21 officials and 25 non-officials. The *ex-officio* members were the Governor, 3 members of the Executive Council and the Advocate-General. The remaining 16 officials were nominated by the Governor. Out of the 26 non-officials, 5 were nominated and only 21 were elected. It is clear that there were 26 nominated members and only 21 elected members. Evidently, there was a nominated majority. The same applied to other Provinces.

(4) According to the Government of India, territorial representation was not suited to the people of India. "Representation by classes and interests is the only practicable method of embodying the elective principle in the constitution of the Indian Legislative Councils." The Act provided for separate or special electorates for

the due representation of the different communities, classes and interests. The remaining seats were allotted to the municipalities and district boards which were called "general electorates."

In the case of Madras, there were 21 elected members of the Legislative Council. Out of these, two were elected by the Mohammedans, 2 by Zamindars and 3 by landlords other than the Zamindars, one by the Corporation of Madras, one by the Madras Chamber of Commerce, one by the Madras traders' association and one by the planting community. The rest of the 9 members were elected by the Municipal Councils, and District and Taluka Boards. In the case of Imperial Legislative Council, the total number of the elected seats was 27. Out of these, 6 were allotted to the landlords, 5 to the Mohammedans and one to the Mohammedan landlords and one each to the Bengal and Bombay Chambers of Commerce. The remaining 13 seats were filled by the non-official members of the Provincial Legislative Councils.

(5) The functions of the Legislative Councils were increased. Elaborate rules were made for the discussion of the budget in the Imperial Legislative Council. Every member was given the right to move any resolution relating to any alteration in taxation, any new loan or any additional grant to local Governments proposed or mentioned in the financial statement or explanatory memorandum. The Council was not permitted to discuss expenditure on interest on debt, ecclesiastical expenditure and State Railways, etc. It is to be noted that the financial statement was first referred to a Committee of the Council with the Finance Member as its Chairman. Half of its members were to be nominated by the head of the Government and the other half were elected by the non-official members of the Council.

(6) The members were given the right of asking questions and supplementary questions for the purpose of further elucidating any point. But the Member in charge of department might refuse to answer the supplementary questions off-hand. He may demand some time for the same.

(7) The members were given the power to move resolutions in the Councils. These resolutions were to be in the form of a definite recommendation to the Government. They must be clearly and precisely expressed and must raise definite issues. The resolutions were not to contain arguments, inferences, ironical expressions, etc. The President may disallow any resolution or part of a resolution without giving any reason for the same.

(8) Rules were also framed under the Act for the discussion of matters of general public interest in the Legislative Councils. No discussion was permitted on any subject not within the legislative cempetence of the particular Legislature, any matter affecting the relations of the Government of India with a foreign Power or a native state, and any matter under adjudication by a court of law.

(9) The Act raised the number of the members of the Executive Council in Bombay, Bengal and Madras to 4. It also empowered the

Government to constitute an Executive Council for a Lieutenant-Governor's province also.

(10) In the provinces, the University Senates, landlords, District Boards and Municipalities and Chambers of Commerce were to elect members. Muslims were given separate representation. Muslim members of the Legislatures were elected by the Muslims themselves.

(11) Disqualifications were imposed on political offenders. They could not offer themselves for election. However, the heads of the Governments were given the power to remove those disqualifications.

Criticism of the Act. (1) The reforms of 1909 could not come up to the expectations of the Indians. What the people of India demanded was that there should be set up a responsible government in the country. But the sacred heart of the reforms of 1909 was "benevolent despotism." While introducing the Bill in the Parliament, Lord Morley had declared that he had no intention to give to the people of India responsible government. Under the circumstances, the reforms could not satisfy the people. It has been rightly pointed out that the people of India presented a cheque of £ 1,000 and they were given only £1. No wonder, the people were not satisfied. The reforms introduced a change not of kind but of degree. Minor additions were made in the powers of Legislatures and also in their size. But that was hardly substantial. The people were dissatisfied.

(2) The reforms led to a lot of confusion. While parliamentary reforms were introduced, no responsibility was given. The result was thoughtless and irresponsible criticism of the Government. Indian leaders made legislatures the platforms for denunciation of the Government. The feeling that they would not have to shoulder responsibility made the members critical of the government.

(3) The reforms introduced the system of elections. But the number of voters was very small. In some cases, the number of voters in a constituency did not exceed 9 or 10. Since the number was small, all the votes could be bought. Women were completely excluded.

(4) The system of elections was indirect. The people elected members of local bodies. The latter elected members of an electoral college. The electoral college elected members of the provincial legislature and the members of the provincial legislature elected members of the Imperial Legislature. The result was that there was no connection between the people and the members sitting in the legislature. The members felt no responsibility towards the people.

The representation of the people at large became in fact a process of infiltration through a series of sieves. The authors of the Montford Report of 1918 remarked thus : "There is absolutely no connection between the supposed primary voter and the man who sits as his representative in the Legislative Council, and the vote of the supposed primary voter has no effect upon the proceedings of

the Legislative Council. In such circumstances, there can be no responsibility upon, and no political education for, the people who nominally exercise a vote. The work of calling into existence an electorate capable of bearing the weight of responsible government is still to be done."

(5) The Act of 1909 introduced separate electorates for Muslims. The evil did not end here. In 1919, the Sikhs also got separate electorates. The Act of 1935 gave separate representation to Indian Christians, Anglo-Indians, Europeans and the Harijans. It cannot be denied that one of the effects of communal representation was the establishment of Pakistan in 1947.

(6) The Act gave great importance to the vested interests by giving special representation to them, *e.g.*, landholders, Chambers of Commerce, etc.

(7) The Indians resented the maintenance of an official majority in the Imperial Council. Although the Government of India had expressed their willingness to allow the Indians to have a majority at the centre, Lord Morley did not agree to it on the ground that since the Indians were given a non-official majority in the provincial councils, the Imperial Council should be maintained as their place of refuge in case they were defeated in the provinces.

(8) Although non-official majority was given in the provincial councils, the practical result was nothing. The non-official majority was nullified by the fact that it included nominated members. There was no real majority of those who represented the people.

(9) The Indians wanted the Government of England to make a clear indication as to what their goal was going to be in India. Was it to be the establishment of a responsible Government in India ? If so, within how much time, and by what means ? The Act of 1909 gave no answer to all these important questions.

(10) The reforms were in the nature of a half-way house which could scarcely satisfy the expectations of the Indians who wanted the transfer of power.

(11) The principle of responsible government was not allowed to germinate in the system. The responsibility still lay with the government. Parliamentary usages were adopted and generally followed ; but the spirit of parliamentary government was absent. The result was friction. Influence without responsibility has always been disastrous in its operation. The debates lacked life because they would not affect the government. Whatever might be the opinion of the non-officials, the government always carried the day with the help of the official bloc. The authors of the Report on Indian Constitutional Reforms put the conditions created by the Reforms of 1909 in these words : "The Morley-Minto Reforms in our view are the final outcome of the old conception which made the government of India a benevolent despotism (tempered by a remote and only occasionally vigilant democracy) which might as it saw fit for purposes of enlightenment consult the wishes of its subjects. To recur to Sir Bartle Frere's figure, the Government is still a monarch in

durbar : but his councillors are uneasy, and not wholly content with his personal rule : and the administration in consequence has become slow and timid in operation. Parliamentary usages have been initiated and adopted in the council up to the point where they cause the maximum of friction, but short of that at which by having a real sanction behind them they begin to do good. *We have at present in India neither the best of the old system, nor the best of the new. Responsibility is the savour of popular government and that savour, the present council wholly lack.*"

Lionel Curtis has described the helpless situation thus created in these words : "The vital defect of Minto-Morley principle is that it leaves the whole responsibility for government on one set of men, while rapidly transferring power to another set of men. It operates to render electorates less fit for responsible government instead of more so. It creates a situation eminently calculated to exasperate the executive and legislature with each other and, therefore, to throw the British Government and the Indian community at large into a posture of mutual antagonism." "The elected members, untempered by any prospect having to conduct the Government themselves, had everything to gain by harassing government, and preventing it from passing the measures which it knows to be vital. In actual practice what happens is, not that government is defeated, but rather that it shrinks from proposing measures which it knows it cannot pass. The nerves of the state are slowly but surely paralysed. The elements of disorder grow and raise their heads. Every necessary measure for preserving order is denounced as an act of tyranny. The foundations of law decay, until suddenly, as in Ireland, the whole structure collapses, order has to be restored at the cost of bloodshed, and the growth of constitutional government is definitely postponed. No government suffering from creeping paralysis can maintain its prestige."

According to Shri K. M. Munshi, "Political changes known as Minto-Morley Reforms were brought in as a sop to the moderates. Legislative Councils established under it were not intended to bring Parliamentary Government as Viceroy Minto himself hastened to emphasise. Though they were merely consultative, special care was taken to see that 'class was set against class, community against community, each to cancel out the effect of the other.' Zamindars and commercial classes were given disproportionate representation at the expense of the politically-minded classes, substituting those who cannot criticize for those who can, even going to the extent of creating special interests before such interests were organised or articulated. Morley, the Secretary of State, himself a radical in Britain, proved worse than a Tory so far as India was concerned."

According to Garrat and Thompson, "The Act made no theoretical change on the executive side, though the legislatures' right of criticism was increased. The changes in the legislatures were cautious and tentative. The King's Proclamation of November 28, 1908, had foreshadowed Reforms in which the principle of representative institutions would be prudently extended but Morley had no intention of introducing any democratic system of control in India....For

personal convictions, as well as for parliamentary convenience he intended to keep the legislature as *advisory bodies* and not as independent law-making ones....Any hope of the Provincial Councils developing into autonomous units was defeated by the excessive decentralization which Morley encouraged, and the Decentralization Commission did little to modify."

According to Dr. A. B. Keith, "The Reforms of 1909 failed in their object if that was to check the propaganda for self-government, and were clearly unlikely to satisfy the Extremists' demand. Inevitably the control of the Central Government over policy was reinforced by reminding the local governments that their officials must not adopt in the Legislatures, Central or Provincial, any attitude critical of the decisions of the Indian Government."

According to Pandit Bishen Narayan Dhar, "Reforms are incomplete in many respects and defective, but our complaint is against Regulations which are extremely faulty, and in some aspects defeat the object of the Act." According to Surendra Nath Banerjee, "The Rules and Regulations framed for the implementation of the Reforms have practically wrecked the Reforms Scheme." He asked : "Is the bureaucracy having its revenge upon us for the part we have played for securing concessions ?"

The Indian National Congress passed four resolutions dealing with the Reforms of 1919. In the words of Dr. Pattabhi Sitaramayya, "In the first it recorded the sense of disapproval of the creation of separate electorates on the basis of religion ; it expressed dissatisfaction at '(*a*) the excessive and unfairly preponderant share of representation given to the followers of one particular religion, (*b*) the unjust, invidious and humiliating distinctions made between Muslim and non-Muslim subjects of His Majesty in the matter of electorates, the franchise and the qualifications of the candidates, (*c*) the wide, arbitrary and unreasonable disqualifications and restrictions for candidates seeking elections to the Councils, (*d*) the general distrust of the educated classes running through the Regulations, and (*e*) the unsatisfactory composition of the non-official majorities in the Provincial Councils, rendering them ineffective and unreal.' By the second resolution, it urged the creation of Executive Councils to assist the Lt.-Governors of the United Provinces, the Punjab, Eastern Bengal and Assam and Burma. By the third resolution the Congress pointed out the unsatisfactory nature of the Reforms Regulations for the Punjab in (*a*) that the numerical strength of the Council was not sufficient to allow an adequate representation to all classes and interests, (*b*) that the elected element was unduly small and altogether insufficient, (*c*) that the principle of protection of minorities applied in the case of the Muslims in other provinces was not applied to non-Muslim minorities in the Punjab, and (*d*) that the Regulations tended to practically keep the non-Muslims of the Punjab from the Imperial Council. By a fourth resolution the Congress expressed dissatisfaction at the non-establishment of a Council for the Central Provinces and Berar and the exclusion of Berar from participation in the election of two members of the Imperial Legislative Council by the landholders and members of the District and Municipal Boards of Central Provinces."

Dr. Zacharia sums up his criticism of the Reforms of 1909 in the words : "The essence of these Reforms lay in conceding what at once was evacuated of all meaning. Thus the elective principle of democracy was adopted : yet at the same time the anti-democratic communal representation was added. The official majority was done away with ; but the elected members remained in a minority. The membership was considerably enlarged ; but an emphatic disclaimer was issued simultaneously that the new Councils in no way meant the introduction of a parliamentary system. The Council of India and even the Viceroy's Executive Council were opened to some very few select Indians but the liberal aspect of admitting Indians to the arena of government could in no way disguise the fact that real power remained safely in British hands."

The critics pointed out that Reforms of 1909 gave the people the shadow rather than the substance. "They granted *influence and not power*" and according to George Washington, "influence is not government." No wonder, Mazumdar described the reforms as "mere moonshine."

Circumstances leading to Montagu-Chelmsford Reforms (1919). It goes without saying that the reforms of 1909 failed to satisfy the people of India. Even a moderate like Gokhale got convinced of the hollowness of the reforms. The reforms did not give any answer to the Indian demand that the British Government should declare as to what their goal in India was and what the British Government intended to do to achieve the same. The recommendations of the Decentralisation Commission of 1909 were utterly inadequate and disappointing. Lord Crewe, who became the Secretary of State after Lord Morley, appointed a Public Service Commission in 1912. This Commission spent two years in taking evidence, but its report was not published until 1917. The way in which the machinery of the Government moved infuriated the people.

A critical study of the reforms of 1909 will show that the main object of the authors of the reforms of 1909 was to win over the Moderates. But that object was not realised as is evident from the contemporary utterances of the Moderate leaders. The discontentment and disappointment of the people resulted in revolutionary activities. The cult of the bomb became popular. The number of outrages committed by the terrorists was on the increase. Even a person like Lord Hardinge was not spared.

The Muslims were also getting restive. They had come to realise the importance of their position from their experience of separate electorates. The had found that the Government of India was only too glad to please them. This made them conscious of their position. The revision of the Partition of Bengal in 1911 did not satisfy the Hindus because they had got the thing done after a lot of suffering. This act of the Government annoyed the Muslims. The latter did not Like the re-incorporation of the Muslim population of Eastern Bengal into the Hindu province of Bengal. The Muslim interpreted the action of the Government as a concession to the Hindus who had agitated and intimidated the Government. They emphasized "the connection between bombs and boons."

Moreover, the pre-war foreign policy of the British Government was a source of uneasiness to the Muslim population of India. The Muslim territories were being absorbed by the Christian Powers of Europe in the Balkans. The Muslims were annoyed over the acts of omission and commission of the British Government in the case of Morocco, Persia and Tripoli. The Balkan Wars were considered a part of a general attack on Islam. It is clear that the Muslims were as much annoyed as the Hindus, although for different reasons.

The treatment of the Indians abroad was creating a lot of discontentment in India. Their cruel treatment in Natal and Transvaal especially aroused the Indians against the British Government and the latter was accused of neglect of the Indian interests. In 1913, Lord Hardinge voiced the unanimous opinion of the Indians when he stated "that the sympathy of India, deep and burning, and not only of India, but of all lovers of India like myself, goes for their compatriots in South Africa in their resistance to invidious and unjust laws." Mr. Gokhale went to South Africa to negotiate on behalf of the Government of India. However, nothing substantial was done to redress the grievances of the Indians. A Commission of Enquiry and Indian Relief Act were considered inadequate.

The Sikhs who had settled in Australia and Canada were badly treated. As regards the Western Coast of Canada, the position was complicated by the activities of a few Indian revolutionaries who had settled in U. S. A., and were responsible for the murder of anti-revolutionaries and of Mr. Hopkins who was working on behalf of the Government of India and the Dominion Governments. The dispute culminated in the dispatch of the Komagata Maru, a Japanese boat requisitioned to make a direct journey from India to Vancouver with the object of defeating the immigration restrictions. The Sikhs on board the ship were not allowed to land. Returning after the commencement of the Great War in 1914 after great sufferings and privations, they formed the nucleus of a revolutionary movement in the Punjab.

It was in an atmosphere of discontentment that the Great War started in 1914. But in spite of all this, there was a generous response from the Indians. Mahatma Gandhi advised the Indians to render all possible help to the British Government. The Indian political parties made a sort of a truce, and allowed the Government to cocentrate their attention on war-effort. This attitude of the Indians facilitated the recruiting of some 8,00,000 combatants and 4,00,000 non-combatants on a voluntary basis. The Government of India contributed almost annually a sum ranging between £20 and 30 million. A free gift of £1,00,000,000 also was given to England. The Government of India met the normal charges of the Indian troops not employed in India or within her boundaries. Further responsibilities were taken in April 1918, although the war ended before these amounted to more than £12,000,000. Large contributions were given to the Red Cross Societies and a War Loan was started in India. The general goodwill was so great that the British Government was able to withdraw from the Indian soil a major part of their British troops. At one time, the British troops in India were not more than 15,000.

However, by 1916, the things had changed. All hopes of a speedy and conclusive victory had disappeared and disillusionment had begun. The methods employed by the British Government in the matter of recruitment and collection of funds for the Red Cross, added insult to injury. Prices went up and added to the distress of the people. The Indians had been made to work under the august authority and supervision of some European officers. An idea began to gain ground that the people of India had nothing to do with the War. The Indian patriots were emboldened by the Irish rebellion and the apparent collapse of Western civilization. The commercial classes of India were at logger-heads with the Government on account of the war-time restrictions. They demanded a policy of protection. The Moderates were weakened by the death of Gokhale. Lord Sinha who had led the Congress to support the war-efforts of the Government, lost all his influence in the organisation. Mr. Asquith's declaration that "henceforth Indian questions would have to be approached from a different angle of vision," was not translated into action for full two years.

In 1915, Lord Sinha, the Congress President of the Bombay Session, advised the British Government to make a declaration of their goal in India with a view to pacifying the Indian youth who were "intoxicated with ideas of freedom, nationality and self-government."

Lord Chelmsford, who succeeded Lord Hardinge in 1915, at once came to the conclusion that the creation of British India "as an integral part of the British Empire with self-government was the goal of British rule." But it was difficult to define precisely the steps by which the Government hoped to realise that ideal. Sir Austen Chamberlain, the Secretary of State for India, was not prepared to be more explicit and precise in the matter of a formula "than to avow an intention to foster a gradual development of free institutions with a view to self-government." However, he had to resign on the Mesopotamian issue and was succeeded by Edwin S. Montagu.

August Declaration. Mr. Montagu was a great friend of India. He had sympathised with the aspirations of the people of India and as such can be compared with persons like Lord Pethick Lawrence and Sir Stafford Cripps. He brought a new outlook to his office. When the fortunes of the Allies were at their lowest ebb, he made the following declaration in August 1917 : "*The policy of His Majesty's Government, with which the Government of India are in complete accord, is the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India as an integral part of the British Empire.* They have decided that substantial steps in this direction should be taken as soon as possible, and that it is of the highest importance as a preliminary to considering what these steps should be that there should be a free and informal exchange of opinion between those in authority at Home and in India. His Majesty's Government have accordingly decided, with His Majesty's approval, that I should

accept the Viceroy's invitation to proceed to India to discuss these matters with the Viceroy and the Government of India, to consider with the Viceroy the views of local Governments, and to receive with him the suggestion of representative bodies and others.

"I would add that *progress* in this policy *can only be achieved by successive stages. The British Government and the Government of India* on whom the responsibility lies for the welfare and advancement of Indian peoples, *must be judges of the time and measure of each advance*; and they must be guided by the co-operation received from those upon whom new opportunities of service will be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

The importance of the declaration lies in the fact that it stated in categorical terms as to what exactly was going to be the goal of the British Government in India. It can be put on the same footing as the Queen's Proclamation of 1858. While the authors of the Report on the Indian Constitutional Reforms regarded it as "the most momentous utterance ever made in India's chequered history" which marked "the end of one epoch and the beginning of a new one." Pradhan declared that it was a "revolutionary pronouncement." To quote him again, "With the announcement of August 20, 1917, modern India has entered on a new era in her history."

According to G. N. Singh, the August Declaration "created once again a division in the ranks of Indian Nationalists. The Moderates welcomed the declaration as the 'Magna Charta of India'.... The Extremists, on the other hand, regarded the announcement as unsatisfactory both in language and substance and decided to continue agitation both for the release of the internees and for the better recognition of Indian claims and aspirations."

Proposals for Reforms. In 1916, the Government of India sent their Despatch to Chamberlain, Secretary of State for India, in which they made their suggestions regarding the concessions to be given to the Indians. The Despatch was never published but we have in Lord Zetland's biography of Curzon the nature and contents of the proposals. This is what Zetland says : "In their representations to the Secretary of State, the Government of India had been careful not to commit themselves to any specific form of self-government. The special circumstances of India, they pointed out, differed so widely from those of any other part of the Empire that they could scarcely expect an Indian constitution to model itself on those of the British Dominions. All that they contemplated was a gradual progress towards a larger measure of control by her own people which would ultimately result in a form of self-government, differing in many ways enjoyed by other parts of the Empire but evolved on lines which had taken into account India's past history and the special circumstances and traditions of her component peoples. Their proposals for assisting her towards this goal were, briefly, to confer greater powers and a more representative character upon existing local self-governing units such as District (rural) Boards and Municipal Councils ; to increase the proportion of Indians in the

higher administrative posts, and to pave the way for an enlargement of the constitutional powers of the Provincial Legislatures by broadening the electorate and increasing the number of elected members."

The Secretary of State for India, Mr. Chamberlain, did not approve of the recommendations as they would merely "result in an embarrassing multiplication of irresponsible critics without effecting any real advance in the direction of self-government." He was in favour of appointing a small Commission to consider the ways and means by which some measure of authority and responsibility could be given to the Legislatures. "As to a formula for the purpose of making known the policy of the Government, he did not think it possible to be more precise than to avow on intention to foster the gradual development of free institutions with a view to self-government."

Memorandum of the Nineteen (1916). When the Imperial Legislature met at Simla in September 1916, its members resented the submission of the draft proposals by the Government of India to the Secretary of State without consulting them. The result was that the nineteen elected members of the Council including Jinnah, Surendra Nath Banerjee, Srinivasa Shastri, etc., submitted a Memorandum in which they put down their own views regarding the nature of the reforms that could satisfy the aspirations of the Indians.

The signatories of the Memorandum stated in the introductory portion as to how the Indians felt bitterly the treatment that was being meted out to them in the various parts of the British Empire. The Reforms of 1909 were utterly inadequate, for they transferred no real control into the hands of the Indians. They hoped that the Indian problem would be looked from "a new angle of vision" after the war. What India expected was not any reward for services rendered, but a change in her status in the British Empire where she should be recognised as a comrade in equal partnership. To quote, "What is wanted is not merely good government or efficient administration, but government that is acceptable to the people because it is responsible to them."

As regards the changes to be effected, the Memorandum recommended that half the members of the Executive Councils should be Indians. The European half should be recruited from the ranks of men trained and educated in the public life of England so that "India may have the benefit of a wider outlook and larger experience outside the world." It was stated that a sufficient number of highly qualified Indians was available for employment in these posts. It was further recommended that the statutory provision which required three members of the Imperial Executive Council to belong to the public services in India, be deleted. The elected members of the legislature must have an effective control over the selection of the Indian Executive Councillors.

All the Legislative Councils in India should have substantial majority of elected members. Franchise should be broadened and extended directly to the people. Provision was to be made for an adequate representation of minorities, whether Hindu or Muslim.

The total membership of the Imperial Legislative Council should be increased. It should not be less than 150. The number might be 100 for major provinces and between 60 and 75 for minor ones. The budget should be passed in the form of money bills and fiscal autonomy be granted to India. The Imperial and Provincial Legislatures should have jurisdiction in matters concerning central and provincial spheres respectively. But the departments of Foreign Affairs and Military Affairs and the declaration of war or making of peace or treaty be reserved with the Government of India. Besides, the Governor-General-in-Council and the Governors-in-Council should have the right of veto but this power was to be exercised subject to certain conditions and limitations.

The Council of the Secretary of State should be abolished and the status of the Secretary of State for India be the same as that of the Minister-in-Charge of Colonies. His salary should be made a charge on the British revenues.

In case an Imperial Federation was established, India was to be placed on a footing of equality with other self-governing dominions.

Provincial Governments were to be granted the largest measure of autonomy. The United Provinces and other major provinces should have Governors recruited directly from England. They were to have Executive Councils also. Full independence in the matter of local self-government should be granted immediately. Indians were to be given arms on conditions analogous to those of the Europeans, and they be also allowed to offer themselves as volunteers in the army. Last but not least, it was prayed that Indians should be given commissions in the army on conditions similar to those of Europeans.

About the Memorandum, Pradhan writes: "The memorandum is an able and reasoned document and constitutes an important statement of the demands of the Indian people at the time."

Congress-League Scheme (1916). If the Memorandum was published in October 1916, the famous Congress-League Scheme was given to the world on December of the same year. The scheme was approved by the Congress on 29th December and the Muslim League on 31st December 1916. It resembled in many respects the Memorandum of October 1916 and it is remarkable to note that some of its recommendations were embodied in the Government of India Act, 1919.

The introductory portion of the Resolution states that the existing system of Government did not "satisfy the legitimate aspirations of the people" and consequently His Majesty the King Emperor should issue a proclamation announcing "that it is the aim and intention of British policy to confer self-government on India at an early date."

As regards the Scheme itself, the strength of the Provincial Legislature was to be not less than 125 members in the major provinces and from 50 to 75 in the minor ones. Of these, four-fifths were to be elected and one-fifth nominated. The members were to be elected

directly by the people for five years with as broad a franchise as possible. Muslims were to be represented through special electorates in the proportion given in the scheme. It was laid down that no resolution or bill would be introduced by a non-official member if that affected a particular community and four fifths of the members of that community in the provincial legislature opposed it. The Provincial head was not to preside over the Provincial Legislature. Its president was to be elected by the members of the legislature. The right of asking supplementary questions was to be given to all and not only to the member who put the question. The divided heads of revenue were to be abolished and provinces were to make contributions to the Central Exchequer. Extensive powers of control should be given to the Provincial Legislatures including the right to raise loans, impose and alter taxation, and vote on the Budget. The right of moving resolutions on all matters within the purview of the provincial administration should be allowed. Ordinarily, a resolution passed by the Legislature should be binding on the Government. But the Governor might veto the resolution. In case the resolution was passed once again within a year, it had to be carried out. The right of moving a motion for adjournment to discuss a definite matter of urgent public importance was granted in case not less than one-eighth of the members present asked for it. The consent of the Governor was not to be required for introducing a bill in the Provincial Legislature. Both the Governor and the Governor-General were given the power to veto the bills passed by a provincial legislature.

Governor was to be the head of every province and "ordinarily" he was not to belong to the Indian Civil Service. In every province, there was to be an Executive Council, half of whose members were to be Indians elected by the elected members of the Provincial Legislatures. The recruitment of executive councillors from the I. C. S. was to be avoided as far as possible.

As regards the Imperial Legislative Council, its membership was to be raised to 150. It resembled the provincial legislature in the matter of proportion of elected and nominated members and power of asking questions and supplementaries, introducing bills, passing resolutions and adjournment motions. One-third of the Indian elected members were to be Muslims. The elected members of the Imperial Legislative Council were to be elected by the elected members of the Provincial Leg'slature. The Budget was to be submitted for the vote of the legislature. Members were to hold office for five years. Military affairs and foreign and political relations of India including the right of declaration of war, making of peace and treaties, were to be excluded from the scope of the Imperial Legislature.

Half the members of the Executive Council of the Governor-General were to be those Indians who were elected by the elected members of the Imperial Legislature. Ordinarily, the members of the Indian Civil Service were not to be appointed to these posts. The right of making all appointments to the Imperial Civil Services should vest in the Government of India. Provinces should be given a large measure of autonomy in their own sphere and the Central

Government should have the right of general supervision and superintendence over them. The Government of India was to be independent of the control of Secretary of State in legislative and administrative matters. A system of independent audit of accounts of the Government was to be established.

The India Council of the Secretary of State should be abolished and he be assisted by two permanent Under Secretaries out of whom one should be an Indian. The salary of Secretary of State should be a charge on British revenues. His status should be the same as that of Secretary of State for Colonies. India should be given adequate and equal representation in any body that might be constituted to control Imperial affairs. "Indians should be placed on a footing of equality in respect of status and right of citizenship with other subjects of His Majesty the King throughout the empire." The military and naval services should be thrown open to Indians and adequate provision should be made for their selection, training and instruction in India. Indians should be allowed to enlist as volunteers. Judicial powers should be taken away from the Executive officers and the Judiciary be made independent.

The authors of the Report on Indian Constitutional Reforms regarded the Congress-League scheme as "the latest, most complete, and most authoritative presentation of the claims of the leading Indian political organisations." But the scheme was full of defects.

It was demanded that European members of the Executive Councils of the Governors and the Governor-General should not be taken from the Indian Civil Service. But the difficulty was that the public men in England were not prepared to cut short their careers by accepting a post for five years, particularly when there was no pension attached to the post. Moreover, the system of election of Indian councillors did not commend itself. The necessity of having an executive which was sympathetic towards the people, could not be denied. But in the present case, the legislatures were not representative of the people because no electorates worth the name existed. "Election would deprive the Governors of all discretion in making recommendations as to his colleagues ; and it would make it impossible to take steps to give all communities an opportunity for obtaining these appointments. Election is perhaps the best, though it is not the only method of securing representation ; but when ability in administration ought generally speaking to be the test, nomination by those who are in the best position to judge must be far more satisfactory than election, success in which largely depends on other qualities." There was also the possibility of a deadlock between the two halves and in the event of divergence of views, there was no easy way to secure unity of action.

The scheme perpetuated the system of communal representation. It is interesting to note that the Muslims were to have separate representation even in those provinces where they were in a majority. They were at the same time given weightage over and above their numerical strength in those provinces where they were in a minority.

It can be doubted how the proposal requiring the withdrawal of any bill or resolution while four-fifths of the members of the interste-

ed community in the legislature objected, could work satisfactorily in actual practice. If the object of the clause was to safeguard the particular religious interests of any community, the remedy was bound to be ineffective.

The scheme started with the untenable proposition that provinces enjoy complete autonomy and consequently must have the power of raising loans, etc. Such a scheme is "compatible with parliamentary government but fundamentally incompatible with an executive which retains responsibility towards the Secretary of State and Parliament."

The proposal regarding the transfer of powers to the newly constituted legislatures without vesting them with responsibility, was bound to do more harm than good.

The scheme provided no connecting rod between the executive and legislative wheels of the machine which would enable them to work in collaboration with each other. This was bound to result in friction. "Parliamentary government avoids deadlocks by making the executive responsible to the legislature. Presidential government limits deadlocks, because all the organs of the state must ultimately submit to a superior tribunal, the electorate of the nation. But a legislature elected by the people, coupled with a Governor appointed by distant power, is a contrivance for fomenting dissensions and making them perpetual."

The provision that the resolutions of the legislature should be binding on the executive, puts the latter in the awkward position of carrying out what it did not approve of. But the only other alternative was that the executive should remain in power so long as it enjoyed the confidence of the House. That implied the establishment of responsible government to which the British Government had not committed itself.

According to Dr. Lal Bahadur, "The fact was that in regard to communal adjustment, the Congress, generally speaking, suffered from self-delusion. Nothing could be done more head-strong than to hope for the disappearance of separate electorate after 10 years of its birth. The evil could easily be nipped in the bud, but it was allowed to grow till it served an easy stepping stone for the demand of Pakistan A diplomatic blunder of high magnitude was committed in conceding the right of separate Muslim representation through members of the community themselves. It proved the British allegation of sharp division between the Hindus and Muslims and justified, for all intents and purposes, all earlier propaganda of the latter, regarding the exercise of the so-called high-handedness by the former. It was also an evidence of the tactful bankruptcy of the Congress leaders and their helpless lack of shrewdness. They ought to have understood that this concession to the Mussalmans would tear the nation for ever into two sharply divided communities and the breach would be widened by the foreign ruling power. The British Parliament recognised the Lucknow Pact as the only agreement between the Hindus and Muslims and it made assertive provision for separate electorate in the Government of India Act of 1919 and 1935. Once the

basis of the division of the electorate was accepted, the recognition of the division of the country was inevitable. The Lucknow Pact demanded a heavy toll of the country's sacrifice and the price was paid in the formation of Pakistan." Dr. Lal Bahadur maintains that there was no pressing necessity to purchase Muslim support at an exorbitant cost. To quote him, "The Pact was bound to be transitory in character, for it was a child of circumstances. The Indians Mussalmans' consciousness of affinity with their co-religionists outside India was roused and an effective help for them a presupposed feeling of goodwill in the country and as soon as the danger was averted (or the fate was accepted), the incentive that sustained the agreement disappeared. Besides, a communal body that, from its very birth, had consistently advocated anti-patriotic dogmas and done all in its power to widen the gap between the Hindus and the Muslims, could be least expected to experience an overnight change in its fundamentals and pin its faith to the Congress ideology. Even war against Turkey would not shake the sense of loyalty which the Indian Muslims had developed for the British Government in the country. The Congress programme, on the other hand, demanded active opposition to the Government. The ideological differences between the two bodies made them ill-assorted mates that were ready to part company at the first opportunity. Looked at from whatever angle of vision, the Lucknow Pact was foredoomed failure." (*The Muslim League*, p. 96).

According to Coupland, "These were far more substantial concessions than the Muslims had been given by Morley and Minto to secure their acquiescence in the reforms of 1909....The Pact concluded between the Congress and the League was the most striking expression of Indian nationalism so far achieved within the bounds of British India".

According to Kunte and Saletore, "The Congress brought about the communal unity at the sacrifice of an essential principle of national and democratic life. The Congress had always opposed the creation of separate electorates for the Muslims....As against this the Lucknow Pact showed that the Congress had agreed to the system of communal representation, to the principle of weightage, and also to the communal veto in legislation. All these three concessions were wrong in principle and were opposed to the life-long convictions of many of the Congressmen and they formed decidedly the most objectionable feature of the Congress-League Scheme. And yet while the whole constitutional portion of the scheme was rejected by the Government, the communal agreement contained in it was accepted and was made a part and parcel of the reforms of 1919. This was, indeed, an irony of fate."

There is no denying the fact that the scheme suffered from many theoretical and practical defects. But the advocates of the scheme contended that their scheme gave them some substantial power of control over the Government. They did not bother about the form of the Government or the inconveniences of the executive. What they cared for was that they should have some substantial powers in the working of the administrative machinery of the country and their scheme undoubtedly gave them that.

Gokhale's Political Testament. Before his death in 1915, Gokhale had prepared on the request of Lord Willingdon, a scheme of reforms to be given to India after the war. This so-called "Gokhale's Political Testament" was published in August 1917. Gokhale's main recommendation was the grant of provincial autonomy and the lessening of the control of the Government of India in the provincial sphere. He wanted the Executive Council or Cabinet of the Governor to consist of 6 members, three of whom were to be Indians. The Legislative Council was to consist of 75 to 100 members, of whom not less than four-fifths were to be elected. The relations between the Legislature and executive were to be the same as those between the Reichstag and the Executive in Germany before 1918. The Provincial Government was to work under the control of the Provincial Legislative Council, but otherwise, it was to have "complete charge of the internal administration of the Province." The Provinces were to have greater fiscal autonomy. They were to make contributions to the central revenues.

Since the provinces were to become "practically autonomous," the Executive Council was to consist of one instead of four existing members. His name was to be the Member of the Interior. Later on, he proposed the creation of five more members.

The Legislative Council of the Viceroy was to be known as the Legislative Assembly of India. It was to consist of about 100 members, the majority of whom were to be nominated members or officials. It was to have "increased opportunities of influencing the policy of Government by discussion, questions connected with the Army and Navy (to be now created) being placed on level with other questions."

The Government of India was to be made free in fiscal affairs from the control of the Secretary of State whose powers were to be curtailed in other matters also. His council was to be abolished and he himself put on the same footing as the Secretary of State for Colonies.

The Indians were to be admitted to the ranks of commissioned officers both in the army and navy and proper facilities were to be provided for their instruction.

If German East Africa was conquered from the Germans, it was to be handed over to the Government of India after the war and reserved for Indian colonisation.

The Round Table Group. The Round Table Group was started by Lionel Curtis and his friends in South Africa after 1906 and it played a very significant part in bringing the various elements in the Union together. Encouraged by its results, the members thought of extending the scope of their studies and in that connection visited New Zealand, Australia and Canada. Not only were the centres of the groups started in the University towns of these countries, those were also opened at Oxford, Cambridge, London, etc. By means of discussion and criticism, the groups contributed to the study of the means by which the various parts of the British Empire could be brought together and the problems arising out of

this huge combination of the states could the tackled satisfactorily. It is to be noted that the movement was not meant for propaganda, but for studying the problems which faced the Empire.

In the summer of 1915, the members of the Round Table Group while preparing Vol. II of the Commonwealth of Nations, were faced with the problem of writing the chapters relating to India and the Dependencies. Curtis requested that a member of the group who had expert knowledge about India, should present before the group his own views of the position of India in the British Commonwealth. Sir William Duke who had been the Lieutenant-Governor of Bengal, took up the task and placed before the group his famous Memorandum. His Scheme was printed and distributed among the members of the gathering who met at Oxford for three days to discuss its pros and cons. The draft was completely recast in the light of the discussions.

The Scheme as formulated in the Duke Memorandum was intended for circulation among the Round Table groups in the various parts of the British Empire for study and criticism. The results would have been used in the treatment of the Imperial problem on its Indian side. But certain circumstances did not allow that procedure to be followed.

Lord Chelmsford who became the Governor-General of India in 1916, was formerly the Governor of New South Wales and had some knowledge of the Round Table group at Sydney. Before his departure for India, he was busy in discussing with experts, the Indian problem. When he came to know that the Round Table group in London was discussing the question of India, he requested them to show him their results. Thus he was shown the Duke Memorandum. Since the meeting at Oxford thought that Lord Chelmsford might be embarrassed by the publication and circulation of so novel a scheme which came to be known by the name of dyarchy later on, it was decided not to circulate the Memorandum to the Round Table groups. The revised draft, however, was sent to Lord Chelmsford in India in May 1916.

Since Curtis had been "warned" by his friends "against the danger of attempting to study India at a distance" and they had advised him to "visit the country for the purpose of hearing what Indians especially the Nationalists themselves, had to say on the subject," he left for India *via* Canada and Australia and reached Bombay towards the end of October 1916.

His visit to India and particularly his stay with big Englishmen and at the Government House and also his association with persons like Sir Valentine Chirol who was regarded by the patriotic Indians as the greatest foe of their country, created misgivings in the minds of the public. A letter written by him to Mr. Kerr, the Secretary of the Round Table in London, fell into the hands of Indians and some extracts from it were published on the eve of the Congress session held in December 1916. Some extracts from the letter were quoted to show that Curtis was engaged in the work of vilification of the Indian nation. It was given out that a kind

of conspiracy existed between Curtis and others against Indian nationalist aspirations.

This led to a lengthy controversy. Curtis had no intention to enter into duels but merely intended to study in a dispassionate manner the nature of the future constitutional advance for India. But the press campaign forced him to come forward to explain and justify his position and that of the Round Table groups on whose behalf he was carrying on all this work. In "A Letter to the People of India" issued from Delhi in March 1917, he explained the origin of the Round Table Movement, the nature of the work with which it was engaged, the stage at which the question of the status of India in the British Commonwealth came before the group, the drafting of the Duke Mamorandum and the circumstances under which he had come to India. He emphasised the fact that his mission was purely academic and he belonged to no party. He declared that it was his sincere view that it was the duty of the British to do everything in their power to enable Indians to govern themselves as soon as possible and also share in the Government of the British Commonwealth as a whole. He further discussed as to how this could be achieved. His conclusion was that no further advance on the road to "responsible government" could be made on the basis of the Minto-Morley Reforms. If an attempt was made, that was bound to result in disaster. He said that he had been convinced that India must be represented in the Imperial Parliament, whose scheme the Round Table groups were preparing.

Curtis wrote another letter to Bhupendra Nath Basu on April 6, 1917 from Naini Tal, U. P. At the outset, he explained that the object of his visit was to study the question as to what place should India occupy in a reconstructed British Commonwealth after the war. He explained the causes responsible for the general indifference of the members of Parliament towards Indian problems. Because the British Parliament hardly found any time for Indian affairs and no further declaration of British policy had been made about India since 1858, there was bound to arise an uncomfortable situation. It was no fault of the civil servants who were still acting on the traditions and instructions of 1858.

As regards the nature of the future constitutional advance of India, he stated in the same letter that more and more independence should be given to the provinces and Government of India should not touch those subjects that are handed over to the provinces. The "system should be one which admits of each Province advancing at its own pace."

To achieve that goal, the first necessary step was to get rid of the official vote in the Provincial Legislative Councils. But this did no imply that there should be no official in the Councils. "Let members of the Government sit in the Council and speak. Let them be free to summon any other official they please to take part in the debates. But let voting be confined to members who are not officials." The great advantage of the system was that the time of the highly paid officials was not to be wasted merely for the purpose

of recording their votes which the Government wanted them to do. The end to be achieved was that the councils should be made responsible in the true sense of the word for certain branches of administration and legislation.

The Governor of the Province was to summon that member of the Council who was most likely to command a majority of its members and entrust him with the task of forming a provincial government for the transferred parts of the administration. The leader was to select three colleagues who were to form the government along with the Leader. The Governor might help him with advice.

The ministers were to manage their own departments in their own way and were to be responsible for them also. They were to remain in power so long as they enjoyed the confidence of the Council. If they lost that, they were either to resign or ask the Governor to dissolve the Council.

He discussed the merits and demerits of the system of dyarchy propounded by him and came to the conclusion that that was the best alternative under the circumstances. He emphasised the fact that responsible government was to be first introduced in the provinces and later on in the Government of India.

Not only did Curtis propound his own views in the above letters, he profoundly influenced both Lord Chelmsford and Mr. Montagu. He also played an important part in the drafting of the Joint Address that was presented to the Viceroy and the Secretary of State for India by the Europeans and Indians in November 1917.

At attempt has been made to explain as to how the Round Table Movement and Lionel Curtis made a substantial contribution by suggesting in detail the lines on which the Government of India and the British Government could travel with a view to give India responsible government in the long run. It is true that when the London group started its discussion in 1915, there was no announcement of August 1917 before them But it stands to their credit that they based their studies on the assumption that ultimately the establishment of responsible government was to be the goal of the British Government in India. In this, they anticipated both the Government of India and the Home Government. There is every likelihood of Lord Chelmsford having taken his clue from the Duke's Memorandum, and the Secretary of State getting his inspiration from the Government of India.

Lord Ampthill referred to the part played by Lionel Curtis in his speech in the House of Lords on December 16, 1919 thus : "The incredible fact is that, but for the chance visit to India of a globe-trotting doctrinaire, with a positive mania for constitution-mongering, nobody in the world would even have thought of so peculiar a notion as that of 'Dyarchy'."

Instead of appointing a royal commission to make a report as to what should be given to the people of India, Mr. Montagu left London on October 18, 1917, as the head of a delegation and reached

Bombay on November 10, 1917. After a study of about 5½ months in India, he left for London towards the end of April 1918. During his stay in India, only one idea had taken possession of his mind and that was the mission that had brought him to this country. According to Mr. Montagu himself, "I spent my whole time racking my brains as to how I am going to get something which India will accept and the House of Commons will allow me to do without whittling it down." He had to work so hard that he developed insomnia towards the end. Literally, he had worked himself to exhaustion. He not only toured the country but also met a large number of deputations. After prolonged thinking and study in conjunction with Lord Chelmsford, Montagu published his report in 1918. Montagu's Diary is both interesting and illuminating.

Recommendations of 1918. The joint report of Montagu and Chelmsford analysed the meaning of the word "responsible government" and suggested that initial steps for the development of responsible Government should be taken in the provinces. The Government of India was to remain responsible through the Secretary of State to the British Parliament.

Full provincial autonomy was considered to be premature. However, the Governor was to have an Executive Council of two members of which one was to be an Indian. The Governor-in-Council was to deal with reserved subjects. The other subjects were to be transferred into the hands of the Indian ministers who were to be responsible to the Provincial Legislature. In his relations with the ministers, the Governor was not always to occupy the position of a constitutional ruler. It was suggested that Local Self-Government, Education, Health and Sanitation, Agriculture, Public Works (except irrigation works), and Excise might be tranferred to the ministers. The number of the non-official members was to be increased and direct elections were to be ordered wherever possible.

However, no substantial change was to be made in the Central Government. But the Council of the Governor-General was to have an Indian member. The control of the Secretary of State was to remain substantially the same as before.

The Report was published in July, 1918 and met with universal condemnation. Unfortunately, the whole atmosphere was poisoned by the publication of the Rowlatt Committee Report during the summer. The recommendations of the Rowlatt Committee were incorporated into two bills. According to them, judges were to have the power to try political cases without juries in the notified areas and Provincial Governments were given the powers of internment. The people forgot the recommendations of Montagu and were furious at the reward given by the British Government in the form of Rowlatt Bills. Both Mahatma Gandhi and B. G. Tilak condemned the action of the Government in strongest possible terms.

At that time, there occurred the famous Jallianwala Bagh tragedy in 1919. Disturbances also took place in many other places in March and April, *e.g.*, Delhi, Kasur, Lahore, etc. Martial law was imposed in certain parts of the Punjab. The arrests of leaders also added fuel to the fire.

It was in this atmosphere of storm and stress that a Bill, embodying the recommendations made in the Report of 1918, was introduced in Parliament on June 2, 1919.

At the outset Mr. Montagu tried to explain the origin of the Reforms. He stated that much work had already been done when he became the Secretary of State. After the August announcement, he appointed a committee which sat at the India Office and this was presided over by Sir William Duke, the famous author of the *Duke Memorandum*. He also referred to other preliminaries before the introduction of the Bill in the House of Commons. Thus it was clear that the Bill was the outcome of mature thinking and thorough consideration and not merely pushed through hastily.

He attributed the necessity of the Bill to 'legitimate' impatience of the Indians for reforms. He said that the August announcement had promised the grant of reforms as soon as possible. He did not want to be accused that since the war was over, the British were reluctant to fulfil the promise they had so solemnly made in 1917. Moreover, unreasonable delay was bound to be fatal to the object in view, *i.e.*, the conciliation of the Indans.

He emphasised the fundamentally transitional character of the Reforms. They were not intended to endure for long. They were merely "a bridge between government by the agents of Parliament and government by representatives of the people of India." It is for this reason that he avoided making the constitution a rigid one. That also explains why in a large number of cases, details were left to be filled in by means of rules. However, he assured the House that those Rules would be placed before it before the final passage of the Bill.

He said that the mere maintenance of law and order and peace and tranquillity was meaningless, unless something substantial was conceded to the Indians. The grant of local self-government could not satisfy their aspirations, for that was already promised by Ripon.

He referred to three difficulties, *viz.*, lack of education, caste system and religious differences, which stood in the way of the establishment of responsible government in India. But he believed that those could be overcome by the introduction of representative institutions. He confessed that the complete devolution of powers at once was not compatible with the maintenance of peace and order and hence undesirable. But there were certain matters that could be transferred into the hands of the Indians without suffering any irretrievable loss or injury. Other departments could still be kept in the reserve to be handed over on some later occasion. The ministers were to be given liberty in their departments and held responsible for them. Montagu definitely stated that he was not in favour of the establishment of two governments, "completely separate in the same area, with separate funds, separate finances, separate legislatures and separate executive staff." He advocated the creation of a dyarchical form of Government in which the two parts had opportunities of "influence and consultation."

He stated that the time had not come for the grant of any concession at the centre. Only the legislature was to be made more representative.

He examined to Congress-League Scheme, the Scheme put forward by the heads of the majority of provinces, the Indo-British Association Scheme, and still another one which proposed that in every province, one or two districts should be put completely under the control of the Indian officials and if successful, the process was to be continued in the division and ultimately in the whole province. His own conclusion was that the dyarchical system was the best as it left the scope for gradual progress in the future. He concluded his great peroration by an appeal to the members of the Commons to pass the Bill without delay.

In the discussion that followed, many members participated but prominent among them were Sir D. Maclean, Sir H. Craik, Col. Wedgewood, Mr. Fisher (President of Board of Education), Mr. Spoor, Mr. Rees, Captain Ormsby-Gore and Brigadier General Croft. Maclean said that the term "dyarchy" suggested some connection with dacoity. Mr. Rees compared dyarchy to a man who had one head and two legs. One leg was the executive councillors and the second the ministers, and these two legs were to be directed by one head or brain of the Governor. About the Bill, Fisher said that it was "a measure, the effects of which... will be felt for generations and generations to come." Brigadier General Croft called it not only a revolutionary measure, but also, an instance of Liberalism gone mad. Fisher appealed to the British people to stand by their solemn pledge, and not fatally undermine their reputation for fair dealings and sense of justice. Mr. Spoor regarded the reforms as the "irreducible minimum," and gave a warning that no attempt should be made to whittle them down. While Wedgewood was prepared to accept dyarchy only as a transitional measure, he attached the system of indirect elections for the legislatures.

On the motion of Mr. Montagu, it was decided to refer the Bill to a Joint Select Committee of the House of Lords and Commons. Lord Selborne was appointed its president. The committee included Montagu, Spoor, Lord Sinha, Lord Sydenham and others. It examined the reports of the Functions and Franchise Committees, Lord Crewe's Committee, and the Montford Report. It examined a large number of witnesses, Indian and English, and submitted a masterly Report to the House of Commons.

The Report of the Joint Select Committee contained recommendations regarding the changes that were necessary to be introduced in the Government of India Bill. The Committee proposed that a Standing Joint Committee of both the Houses should be set up for the purpose of keeping Parliament in colser contact with the Indian affairs. But this Committee was to have a purely consultative and advisory status.

The Committee proposed the inclusion of the whole of the announcement of August 20, 1917 in the Preamble to the Bill rather than only a part of it. It altered the Lists of the Central, Provincial

and Transferred subjects included in the Functions Committee's Report. It disapproved of the separate purse for the Reserved Departments and recommended that the Governor should allocate a definite proportion of revenues for the reserved and transferred departments. If he wanted help in this work of division, he could refer the question to an authority appointed by the Governor-General.

The relations between the two halves of the provincial executive should be of such mutual sympathy that each helps and influences the work of the other. But one part was not to exercise control over the other. The ministers in charge of the transferred subjects were to be those elected members of the Legislative Council who enjoyed its confidence, and were capable of leading it. The ministers were to be expected from the very beginning to act together. Their status was to be similar to that of the members of the Executive Council, but their salaries were to be determined by the Legislative Council. The Committee recommended that the habit of joint deliberations between the ministers and the councillors under the presidentship of the Governor should be encouraged. The Governor was directed to allow ministers to have their way and fix responsibility upon them, even if he had to use his veto power to negative any piece of legislation. The Committee recommended that the Governor should not preside over the meetings of the Provincial Legislative Council. Although for the first four years, the President was to be nominated by the Governor, subsequently he was to be elected by the Council. The Vice-President was to be elected by the Council from the very beginning. The Committee specifically laid down that they attached the "greatest importance to this question of the Presidency of the Legislative Council." It was proposed that the provincial budget should be submitted to the vote of the Legislative Council, subject to a few exemptions to be specified in the Bill. The Committee rejected the idea of instituting Grand Committees in the Provincial Legislatures.

The Committee made detailed recommendations regarding franchise. It proposed to increase the share of representation of the rural population and also the urban wage-earning classes. An effort was to be made to remove the disparity in the size of electorates in the different provinces. The Committee considered representation for the depressed classes to be inadequate The non-Brahmins of the Madras Presidency and the Marathas of the Bombay Presidency were to be given separate representation by the reservation of seats. The question of representation of women was to be left to the option of the newly elected legislative councils which were empowered to allow that by means of resolutions. All graduates of over seven years' standing were to be given the right to vote for the University seats. The recommendations of the Franchise Committee in respect of the proportionate representation of Mohammedans, based on the Lucknow Pact, might be accepted. It was definitely laid down that no alterations were to be made in the franchise for the first ten years.

The Committee did not approve of the idea of keeping the Coun-

cil of State as an organ for government legislation. It was to be constituted as a true second chamber from the very beginning. It was to consist of 60 members of whom not more than 20 were to be officials.

The Committee did not agree to accept the system of indirect election for the Legislative Assembly on a permanent basis. That may be allowed as a transitional measure for three years, but the Government of India was to devise means to remedy this defect at an early date. The Governor-General was to nominate the President of the Legislative Assembly for the first four years.

Although the Indian Budget was to be submitted to the vote of the Assembly, the Committee recommended the exemption of certain charges of a special or recurring nature from the voting. It was made clear that the Governor-General's power of certification was a real one and was "meant to be used if and when necessary."

The Committee recommended that the existing limitation on the number of the members of the Governor-General's Executive Council should be removed. Three of the Executive Councillors were to be public or ex-public servants who had been in the service of the Crown in India for 10 years. Not less than three members of the Council were to be Indians. One member should have definite legal qualifications.

The Committee recommended that all charges of the India Office, excluding "agency" charges, should be paid out of the British revenues. But it did not approve of the abolition of the Council of India which was to be reconstituted by the inclusion of more Indians into it.

In matters of fiscal policy, the Committee recommended that the Secretary of State for India should, so far as possible, avoid interference when the Government of India and its legislature were in agreement. Interference was to be limited to the safeguarding of the international obligations of the Empire or any fiscal arrangements within the Empire to which His Majesty's Government was a party.

The Committee recommended that every precaution should be taken to protect the interests of the public servants. If there occurred any friction between a minister and a public servant, it was to be one of the "most important duties" of the Governor to bring about a reconciliation. If that was not possible, the officer was to be provided with an equivalent career elsewhere or allowed to retire on a reasonable pension.

The Committee wanted it to be specifically laid down that the Statutory Commission was not to be appointed before ten years and no substantial change was to be made in the constitution during that interval.

After the Joint Select Committee had presented its Report, the Bill was introduced on December 5, 1919 in the House of Commons for the third reading. On behalf of the Labour Party, Adamson supported the Bill and declared it to be a definite move in the right

direction. But his complaint was that the Bill did not go far enough. He maintained that by not giving any control at the centre, the Government had lost the sympathetic co-operation of some of the best elements of the population of India. He thought it absurd to give the right of vote to only 5 millions out of 250 millions. Similarly, he regretted the exclusion of industrial workers and women from franchise. Maclean, Spoor and Ormsby-Gore also participated in the discussion. While winding up the debate in the Third Reading, Montagu expressed the hope that the future Parliament will take India on the road to responsible Government. He regarded the passage of the Bill as the ending of an era. He appealed to the feelings of mutual good-will. He concluded with the remark : "Let us forget the past and start afresh."

When the Bill came up for discussion before the House of Lords on December 11, 1919, Lord Sinha, Under Secretary of State for India, dealt at length with the history of the Reforms. Since the question of reforms had been hanging fire since 1915, it could not be maintained with any amount of justice that the Bill before the House was a hasty measure. It was "the natural and inevitable sequel to the long chapter of previous legislation for the better Government of India." It was imperative to give reforms to India because not only her status in the British Empire had been raised during the war as a result of her participation in many imperial affairs on equal footing, but nationalism also had made great advance in the country. The aspirations of the natives had been pitched high, but the existing administrative machinery in India was purely an official one. India might not be fully equipped for complete self-government, but she had to be given "some measure of control" at once if it was intended that she should fit herself for better things in the future.

Lord Sinha discussed at length the various alternative schemes that were put forward to suggest the line of advance to be followed in India. While criticising them all, he defended the Bill on many grounds. He also discussed the position of the Secretary of State, India Council, Civil Services in India, and the proposed Commissioners of Inquiry. He tried to emphasise the fact that the old system of Government which had worked in India in the nineteenth century, could not be continued in the twentieth century. The Indians had reached the age of adolescence and if the British were to act as good guardians, it was their imperative duty to give Indians as much of liberty as was necessary for self-expression in their age of adolescence. Lord Sinha appealed to the members to discuss the Bill with earnestness, impartiality and fairness. He concluded by saying that "what is being given to India is like the grain of mustard seed which a man took and sowed in his field, which now is the least of all seeds, but when it was grown it was the greatest amongst the herbs and became a tree so that the birds of the air came and lodged in the branches thereof"

Lord Carmichael said that he was happy that the Reforms would strengthen the hands of the Moderates in India. He did not share the view that the Indian ministers would not like the Civil

Servants. On the other hand, the real danger was that they being new to the job, might not completely depend upon them. Of course, the position of the Governor would be a very difficult one.

Lord Crewe maintained that there was nothing "novel" in the Reforms and they could not be called "a leap in the dark." Their necessity arose because under the system set up in 1909, criticism was reaching dangerous limits. Moreover, Indians had given an unmistakable proof of their capacity by their splendid part in the war. While he approved of the creation of a High Commissioner for India, he was opposed to the appointment of a Parliamentary Committee of two Houses on the ground that that would lead to too much of interference into the affairs of India. He warned the Indians that it was not in their interest to start any agitation during the first few years of the inauguration of the Reforms.

Lord Sydenham, a great die-hard and an opponent of Indian freedom, maintained that the Bill was "the most dangerous" piece of legislation. It did not arise out of "any desire on the part of the people of India." It was merely a concession to a small body of English-speaking Indians so that they may keep quiet. While he praised the services rendered by the Indian princes and the fighting classes of India, he criticised the Indian nationalists for having started the agitation when the Government was in trouble. Not only did they condemn the Government in the strongest terms by holding it responsible for all the miseries of India, they also stirred up class-hatred. He complained that the people who came to give evidence before the Joint Parliamentary Committee did not represent India. The real Indians were the masses who did not know English and consequently their case was lost by default, The result was that the Bill was going to establish an oligarchy in India. Lord Sydenham referred to the new danger to India arising from the spread of Bolshevism in the country and emphasised the imperative necessity of a strong government to meet the situation. But unfortunately, the new Reforms were going to weaken the executive at the most critical juncture. He ridiculed the idea that the political institutions that had worked successfully in the West, would work similarly in the East. He criticised the hurry with which the Bill was being pushed through.

Lord Meston who had been deputed by the Government of India to present their point of view before Parliament, maintained that he could give first hand information on the Indian affairs. He emphasised the fact that the Bill before Parliament was not the outcome of agitation or the noisy demands of the Indian politicians. It was the inevitable result of the work of the British in India. It is the British themselves who had created a national awakening in the country. He informed the House that revolution was out of the question in India and hence the Bill should not be held up on that score. He concluded by saying that the Bill was introduced at the request of Government officials who were engaged in carrying on the work of administration.

Lord Curzon, the leader of the House of Lords, supported the Bill in a reserved tone. He referred to the great work accomplished

by the Joint Parliamentary Committee. He also touched upon the fiscal policy of India and the India Council. He emphasised the need of mutual co-operation between the Government of India and the Home Government on the one hand, and the Indian Nationalist Press on the other.

Lord Ampthill condemned the Bill in the strongest possible terms. He held that the Bill was a "calamitous measure." While the situation in India was becoming critical everyday, the Bill was going to weaken the executive and impair its impartiality. He maintained that the Indian soil was not favourable for the growth of democratic institutions. The caste-system of the Hindus in itself was anti-democratic. The only effect of the Bill was going to be the establishment of the domination of the Brahmins in the country, and that was not at all welcome to the non-Brahmins. He accused the British statesmen for their mental bankruptcy and predicted that the whole of the future of India was going to be jeopardised by the passage of the Bill.

In spite of the stout opposition at the hands of men like Sydenham and Ampthill, the Bill was passed by the House of Lords on December 18, 1919 and it received the Royal Assent on December 23.

On the same day, a Royal Proclamation was issued by King George V to the Indian Princes and the people of India. It was hoped that the new Act "will take its place among the great historic measures passed by the Parliament of this Realm for the better government of India and for the greater contentment of her people." He declared that he was happy to watch the progress of democratic institutions in the country. He appealed to the leaders of the Indians and the ministers of the future to face responsibility, endure misrepresentation and make sacrifices for the common interests of the country. He hoped that the public servants would trust their new officers and work with them in harmony so that orderly advance towards free institutions by the Indians might become possible.

He expressed his earnest desire to remove all bitterness between the Indians and British officers. With that object in view, he directed the Viceroy to exercise on his behalf clemency to political offenders in the fullest measure which was consistent with public safety.

On the same occasion, he sent the happy news to the Princes of India that he had agreed to the establishment of a Chamber of Princes. He also assured them that their privileges, rights and dignity would be maintained in the future.

He announced his intention to send the Prince of Wales to India to inaugurate the new Chamber of Princes and the new constitution in British India. He hoped that when the Prince of Wales visited the country, mutual good-will and confidence would prevail among the Indians. He concluded with a prayer to "Almighty God that His Wisdom and under His guidance India may be led to greater prosperity and contentment and may grow to the fulness of political freedom."

Preamble of the Act of 1919. The Preamble to the Government of India Act of 1919 is very important and runs as follows : "Where-

as it is the declared policy of the Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for gradual development of self-governing institutions, with a view to the progressive realisation of responsible government in British India as an integral part of the Empire ;

"And whereas, progress, in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken ;

"And whereas the time and manner of each advance can be determined only by Parliament upon whom responsibility lies for the welfare and advancement of the Indian peoples ;

"And whereas, the action of Parliament in such matters should be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility ;

"And whereas, concurrently with the development of self-governing institutions in the Province of India, it is expedient to give to those provinces in provincial matters the highest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities ;

"Be it therefore enacted...as follows" :

The following is an analysis of the Preamble as given by the late Sir Tej Bahadur Sapru :—

(1) British India is to remain an integral part of the British Empire.

(2) Responsible Government in British India is the objective of the declared policy of Parliament.

(3) Responsible government is capable of progressive realisation only.

(4) In order to achieve responsible Government, it is necessary to provide for two things : the increasing association of the Indians in every branch of administration and the gradual development of self-governing institutions.

Main Provisions of the Act of 1919. (1) The Government of India Act, 1919, made many changes in the administration of India. Formerly, the Secretary of State for India used to be paid out of the Indian revenues. The new Act provided that in future he was to be paid out of the British revenues. However, some of the functions of the Secretary of State for India were taken away from him and given to a High Commissioner for India who was to be appointed by the Government of India and paid by the Government of India. He acted as the agent of the Governor-General-in-Council. He was to be in charge of the Stores Department, the Indian Students Department, etc. The control of the Secretary of State was reduced in the provincial sphere in so far as the transferred departments were concerned. But in the case of the Central Government of India, it remained as complete as before. The Secretary of State possessed and

exercised the power of superintendence, direction and control over the affairs of India. It was the duty of the Governor-General to carry out the orders of the Secretary of State.

(2) The Act of 1919 set up a bicameral legislature of the Centre in place of the Imperial Council consisting of one house. The names of the two houses were the Central Legislative Assembly and the Council of State. The Council of State consisted of 60 members out of which 33 were elected and 27 were nominated by the Governor-General. The Central Legislative Assembly consisted of 145 members out of which 103 were elected and the rest were nominated. Out of the nominated members, 25 were officials and the rest non-officials. Out of the 103 elected members, 51 were elected by the general constituencies, 32 by communal constituencies (30 by Muslims and 2 by Sikhs), and 20 by special constituencies (7 by land-holders, 9 by Europeans and 4 by Indian Commerce).

(3) The life of the Central Legislative Assembly was 3 years and the Council of State 5 years but the same could be extended by the Governor-General. It is to be noted that the last Assembly sat for 11 years. The first Speaker of the Assembly was nominated by the Government, but the subsequent speakers were elected by the members of the Assembly.

(4) The Franchise Committee had recommended a system of indirect elections to the Central Assembly on the ground that direct elections though preferable were impracticable on account of the unwieldy character of the constituencies. Ultimately, the Government of India decided in favour of direct elections for both Houses of the Central Legislature.

(5) As regards the franchise for both Houses of the Central Legislature, it was very much restricted. In the case of the Council of State, voters were assessed either to income-tax on an annual income of not less than Rs. 10,000 to Rs. 20,000 or to land revenue of Rs. 750 to Rs. 5,000. In addition, those who had previous experience in public work or who were recognised as men of high scholarship or academic worth were entitled to have their names enrolled on the election roll of general constituencies for the Council of State. As regards the qualifications of the voter for the Central Assembly, these were either the payment of municipal taxes amounting to not less than Rs. 15 to Rs. 20 per annum, or occupation or ownership of a house of the annual rental value of Rs. 180 or assessment to income-tax on an annual income of not less than Rs. 2,000 to Rs. 5,000 or assessment to land revenue for Rs. 50 to Rs. 150 per annum, varying from province to province. It is to be noted that the total number of voters for the Council of State was about 17,364 and for the Central Assembly was about 909,874 in 1920.

(6) The Governor-General was given the power to summon, prorogue and dissolve the chambers. He was also to have the right of addressing the members of the two Houses.

(7) The Central Legislature was given very wide powers. It could make laws for the whole of British India, for the subjects of

His Majesty and Services of the Crown in other parts of India, for the Indian subjects of His Majesty wherever they may happen to be, and for all persons employed in His Majesty's defence forces. It could also repeal or amend laws for the time being in force in British India or applicable to the persons mentioned in the preceding sentence. However, the previous sanction of the Secretary of State-in-Council was required to pass any legislation abolishing any High Court. The Indian Legislature had no power to amend or repeal any Parliamentary statute relating to British India or to do anything affecting the authority of Parliament or the unwritten laws or constitution of the United Kingdom.

The previous sanction of the Governor-General was required to introduce bills concerning the following subjects :—

(*i*) The public debt or public revenues of India.

(*ii*) Religion or religious rites and usages of the British subjects in India.

(*iii*) Discipline or maintenance of His Majesty's military, naval or air forces.

(*iv*) Relations of the Government of India with foreign States or Indian States.

(*v*) Any measure which repeals or amends any Act of a legislature or any ordinance made by the Governor-General, etc.

In addition to the above, the Governor-General was given the power of preventing the consideration, at any stage, of a bill or a part of a bill in either chamber of the Central Legislature if in his opinion it "affects the safety or tranquillity of British India, or any part thereof." The Governor-General was empowered to enact laws which he considered essential for the safety, tranquillity or interests of British India or any part thereof if either chamber refused or failed to pass them. Every Act so passed required the assent of His Majesty. The Governor-General possessed the power of making and promulgating ordinances for the peace and quiet Government of British India in cases of emergency. An ordinance issued by the Governor-General had the same force of law as a law passed by the Indian Legislature. It lasted for 6 months. The Governor-General had the power of returning any measure passed by the two houses of the Central Legislature for re-consideration before signifying his assent or dissent. The assent of the Governor-General was essential for the enactment of a law by the Legislature. He had the power to give his assent or reserve the Bill for the signification of His Majesty's pleasure on the same. The Crown had the power of disallowing any Act made by the Indian Legislature or the Governor-General. The vetoing power of the Governor-General was real and was actually exercised on many occasions.

Members of both Houses of the Central Legislature were given the right of putting interpellations and supplementary questions, of moving resolutions and making motions of adjournment, and of introducing projects of legislation according to the rules. The

members were given the right of freedom of speech in the two chambers.

(8) As regards the Central Budget, the Government submitted proposals for the appropriation, in the form of demands for grant, to the vote of the Indian Legislative Assembly. However, there were certain non-votable items in the Budget. These items were not open to discussion in either chamber, "unless the Governor-General otherwise directs." All other items of expenditure were submitted to the vote of Assembly which "may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant." If the Governor-General was satisfied that any demand which had been refused by the Assembly was essential for the discharge of his responsibilities, he could restore the grant even if it was rejected by the Assembly. In cases of emergency, he was empowered "to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof."

It is evident that the Central Legislature was helpless before the Central Executive. The Executive was not only independent of the Legislature, but also had the power of over-riding the Legislature in almost all respects.

(9) It has been rightly pointed out that the Act of 1919 introduced responsive and not responsible Government at the Centre. The members of the Executive Council of the Governor-General were nominated members. The people had neither any hand in their appointment nor in their removal. No vote of no-confidence by the legislature could turn them out. But it cannot be denied that the members of the Executive Council did respond to the wishes of the members of the Central Legislature and through them to the people of the country. Some of the members of the Legislature were the members of the Standing Committee such as Finance Committee and the Committee on Public Accounts. As such they got an opportunity to influence the Government. The members could not expose the Government by putting them questions, supplementary questions and moving motions of adjournment. They could also reject the Budget and move and pass resolutions against the Government. It is these factors which made the Government respond to the wishes of the members of the Legislature. Even the most irresponsible Executive Councillors could not afford to ignore the wishes of the members of the Legislature. Thus it was that although the Executive was independent of the Legislature, the latter could influence its decisions. The large majority given to the elected members of the Central Assembly made things hot for the Government and the only way to improve the state of affairs was to carry on the administration according to the wishes of the people.

(10) The new Act provided for two lists of subjects : Central List and Provincial List. The principle underlying this division was that matters in regard to which uniformity in legislation was necessary or desirable for the whole of India or in more than one province should be regarded as central, while others in which only a particular province was interested, should be treated as provincial.

The central subjects were : Defence, Foreign and Political Relations, Public Debt, Tariffs and Customs, Posts and Telegraphs, Patents and Copyright, Currency and Coinage, Communications, Commerce and Shipping, Civil and Criminal Law and Procedure, Major Ports, etc. The provincial subjects were : Local Self-Government, Public Health and Sanitation and Medical Administration, Education Public Works, Water Supplies and Irrigation, Land Revenue Administration, Famine Relief, Agriculture, Forests, Co-operative Societies, Law and Order, etc. As regards the residuary subjects, they were divided between the centre and the provinces on the same principle on which the Lists were drawn up. It is to be noted that the division was not clear-cut or definite. There was a lot of overlapping. Critics point out that while subjects like commerce and law regarding property were placed in the Central List, important subjects like Excise and laws regarding Land Tenure were given to the provinces. Although all subjects in the Provincial List were provincial for purposes of administration, that was not the case for purposes of legislation. Certain parts of them in regard to which uniformity in legislation was considered desirable, were made "subject to legislation by the Indian Legislature." These were borrowing and taxing powers of local self-governing bodies, infectious and contagious diseases of men, animals and plants, water supplies and irrigation, industrial matters including factories, electricity, settlement of labour disputes, control of newspapers, printing presses, etc.

(11) The size of the Provincial Legislative Council was considerably enlarged. While about 70 per cent of the members of the Provincial Legislature were elected, about 30 per cent were nominated by the Governor. Some of these nominated members were officials and the others non-officials. The Legislative Council sat ordinarily for 3 years, but it could not be dissolved earlier by the Governor. The latter could also extend its life. The members were given the right of asking questions and supplementary questions. They could reject the budget, although the Governor could restore it, if necessary.

(12) The Act of 1919 introduced dyarchy in the provinces. Under this system, the subjects to be dealt with by the Provincial Governments were divided into two parts : Transferred and Reserved subjects. The Reserved subjects were administered by the Governor with the help of the Executive Council and the Transferred subjects were dealt with by the Governor with the help of his ministers. While the members of the Executive Council were nominated by the Governor, the ministers were chosen by the Governor from the members of the legislature. The following were the Reserved subjects : Administration of Justice, Police, Irrigation and Canals, Drainage and Embankments, Water Storage and Water Power, Land Revenue Administration, Land Improvement and Agricultural Loans, Famine Relief, Control of Newspapers, Books and Printing Presses, Prisons and Reformatories, Borrowing money on credit of the Province, Forests except in Bombay and Burma, Factory inspection, Settlement of Labour Disputes, Industrial Insurance and Housing. The following were the Transferred subjects : Local Self-Government

including matters relating to Municipal Corporations and District Boards; Public Health. Sanitation and Medical Administration, including Hospitals and Asylums and provision for Medical Education; Education of Indians with some exceptions; Public Works, including Roads, Bridges and Municipal Tramways, but excluding Irrigation, Agriculture and Fisheries, Co-operative Societies; Excise; Forests in Bombay and Burma only; Development of Industries, including Industrial Research and Technical Education. The provincial Governor was not a constitutional head. He was given many special responsibilities. He was authorised to over-rule his ministers and the members of the Executive Council if that was considered necessary for the discharge of his responsibilities. The Governor was expected to encourage joint deliberation between the ministers and the members of the Executive Council. Provision was made for the temporary administration of Transferred subjects in the case of an emergency If no minister was in charge of a Transferred subject, the Governor himself assumed temporary charge of it till a minister was appointed. The Governor-General-in-Council with the previous sanction of the Secretary of State-in-Council could revoke or suspend the transfer of all or any subjects in the province and in that case they would relapse into the position of Reserved subjects and be administered by the Governor-in-Council.

Working of Dyarchy. The system of Dyarchy worked in the Provinces from 1921 to 1937, but experience shows that the system did not work satisfactorily. Many factors were responsible for the failure of the system:

(1) The very principle of dyarchy was faulty. The division of administration into two parts, each independent of the other, is opposed to political theory and the practice of Governments. The State is like an organism and the two parts cannot be separated completely. However, the actual division of subjects under the Act of 1919 was haphazard. There could not be a worse division than the one attempted in the Act of 1919. Sir K. V. Reddi, a minister of Madras says: "I was a minister for Development without the forests. I was the minister for Agriculture minus Irrigation. As minister of Agriculture, I had nothing to do with the administration of the Madras, Agriculturists' Loans Act or the Madrass Land Improvement Loans Act....Famine Relief, of course, could not be touched by the minister for Agriculture. Efficacy and efficiency of a minister for Agriculture without having anything to do with Irrigation, agricultural loans, land improvement loans, and famine relief is better imagined than described. Then again, I was a minister for Industries without factories, boilers, electricity and water power, mines or labour, all of which were reserved subjects." While the Education was a Transferred subject, the education of the Europeans and the Anglo-Indians was a Reserved subject.

Shri C. Y. Chintamani, a minister of U. P., has given us some examples of the way in which dyarchy worked. In 1921, an inquiry was started in the Department of Agriculture on the question of the fragmentation of lands. When the report was submitted in 1922,

it was felt that the question should have been dealt with by the Revenue Department and the case was transferred to that Department. In 1924, it was decided that the case should be sent to the Co-operative Department to which it related. Similar examples cad be multiplied.

(2) There was no love lost between the two halves of the Government. The ministers were the representatives of the people. The members of the Executive Council belonged to the bureaucracy. They usually never pulled together. There was constant friction. Sometimes the ministers and the Executive Councillors condemned each other in the public. As a result of this, the work of administration suffered. As a rule, the Governor backed the members of the Executive Council because he himself belonged to the same service to which they belonged.

(3) The position of the ministers was very weak. They had to serve two masters. Those were the Governor and the Legislative Council. A minister could be appointed by the Governor and dismissed at his will. He was responsible to the Legislature for the administration of his Department. He could be turned out by the Legislature by a vote of no-confidence. From the point of view of practical politics, the ministers cared more for the Governor than the Legislature. There were no strong parties in the provincial legislatures. The result was that no minister had a majority to back him in office. He had always to depend upon the backing and support of the official bloc in the Legislature. While the elected members of the Provincial Legislature were divided into many groups on the basis of various religions, the support of the official bloc which always voted under the instruction of the Governor, was always available to a minister who cared for the Governor. No wonder, the ministers always looked up to the Governor and were dependent upon him. It is said that the Raja of Panagal openly used to say in the Madras Legislative Council that he was responsible only to the Governor and none else. In certain cases, the ministers hoped to become Executive Councillors after the expiry of their term of office as ministers. The result of all this was that the ministers sank to the position of glorified secretaries. C. Y. Chintamani rightly said that the ministers had no power. "The power is with the Governor and not with the ministers." The Governor could interfere in any matter under any minister. According to Kelkar, he was allowed to have his way in matters of policy, but was constantly over-ruled in matters of detail. "For instance, I could not picture myself how a Governor could support my policy of non-interference with a Municipal Committee who wanted to hoist a national flag on the municipal office and how the same Governor could ask me to uphold an order of a Deputy Commissioner who had suspended a Committee's resolution to the effect that its servants should put on Khaddar dress."

(4) The Governors did not care to encourage the principle of joint responsibility amongst the ministers. The ministers never worked as a team. They were always quarrelling among themselves. In the case of the Calcutta Municipal Bill, the Nawab Sahib and Sir

Surendranath Banerjee openly canvassed against each other in the Council. In 1928, Sir Feroz Khan Noon publicly criticized and condemned the action of the Hindu colleagues. It is to be noted that the dismissal or resignation of a minister did not affect his colleagues. The Governor dealt with every minister individually.

(5) The position of the permanent services created many difficulties. The appointment, salary, suspension, dismissal and transfer of the members of All-India Services was under the control of the Secretary of State for India. These persons continued to be under the control of the Secretary of State for India even if they were appointed in the Transferred Departments. They did not care for the ministers. The ministers had no power to choose their own subordinates when vacancies occurred in their Departments. Most of the important jobs were reserved for the members of All-India Services. In the case of Madras, when the post of Surgeon-General fell vacant, the minister concerned could not get his nominee appointed. An I.M.S. officer was sent to fill the post. Although the minister desired to encourage the Indian system of medicine, the Surgeon-General did not care for his views. We are told that if there were certain superfluous jobs, the minister concerned had no right to abolish those jobs In the case of U.P., a district officer refused to apply for appeal in an excise case as required by a minister. He was supported by a member of the Executive Council. As a general rule, the Governors could be expected to support the members of the civil services against the ministers.

(6) According to the rules of executive business, case in which the minister differed from the opinion of the Permanent Secretary or the Head of the Department, or the Commissioner of a Division, had to be submitted to the Governor for the final orders. Both the Secretary and the Head of the Department had direct access to the Governor. The Secretary had a weekly interview with the Governor and could discuss everything about his department with the Governor. This must have weakened the position of the ministers. Sometimes the Governor knew things about a Department which even the minister concerned did not know.

(7) Another cause of the failure of dyarchy was the reservation of the Department of Finance in the hands of the Member of the Executive Council. All the nation-building departments were given to the ministers, but they were given no money for the same. The result was that the ministers had to depend upon the sweet will of the Finance Secretary. As a member of the Indian Civil Service, the Finance Secretary had no sympathy with the aspirations of the Indians as represented by ministers. He cared more for the needs of the Reserved Departments than for the Transferred Departments. According to C. Y. Chintamani, "The Finance Member was certainly more anxious to see that his Reserved Departments got all the money they required, before other departments got what they wanted." In certain cases, the Finance Department refused even to examine any scheme on the ground that no money was likely to be available. In the case of U. P., the Finance Department once upon a time issued a circular to all the Heads of the Departments

directing them not to send proposals involving expenditure. When actually money was found available, it was contended by the Finance Department that no money could be granted as proposals had not been put in for examination at the right time. Many a time, the reply of the Finance Department was that the proposals were not "worth spending money on." We are told that even when schemes were approved, ways and means were found to defeat them or to delay them till the end of the financial year which compelled the minister to start from the very beginning once again. According to Chintamani, "I am prepared to state this without any exaggeration that it was from general experience of both the ministers in the United Provinces that they had to contend with great difficulties when they went to the Finance Department, that pretty frequently they had to go before the Governor, pretty frequently the Governor did not side with them and pretty frequently they could only gain their point in the end by placing their offices at the disposal of the Governor."

According to Punniah, "The department thus did not confine itself merely to an examination of the financial aspect of the proposals but often went into the policy underlying them. The Minister was responsible to the Legislature for policy while the Finance Member was not, and this, therefore, placed the Minister in a difficult position. Even when schemes were accepted by the Council, devices were found to defeat them or at least delay them till the end of the official year, which compelled the Minister to start at the very beginning once again. The veto of the Finance Department was final except when the Minister decided to take his case on appeal to the Governor, who pretty frequently sided with the Finance Department."

According to Sapru, "But the Devolution Rules seriously detracted from the advantages of the Joint purse by keeping the portfolio of finance in the hand of a member of the Executive Council. The Ministers thus had to look up to him and his Department for all schemes of expenditure. In the financial powerlessness of Ministers is to be found the chief cause of the failure of Dyarchy."

(8) There was another hindrance in the way of the successful working of dyarchy. It was born under an unlucky star. The political atmosphere in the country was surcharged with suspicion and distrust on account of the happenings in the Punjab and the attitude of the British Government towards Turkey. The Monsoons failed in 1920 and added to the misery of the people. Slump also came in the market. The result of all this was that the finances of both the Central and Provincial Governments were upset. The favourable balance of trade of India was upset. Under the Meston Award, the Provincial Governments were required to make certain annual contributions to the Government of India. On account of the financial crisis, the Government of India demanded the full contributions from the Provincial Governments which themselves were in a worse condition. Dyarchy could not be expected to work without finances.

(9) The man in the street knew that the reforms of 1919 were in the nature of a half-way house. The Indians knew that they were going to get more in the future. The result was that the people of India were not in a mood to give the reforms a fair trial.

Regarding the working of dyarchy, Sir H. Butler says: "In India, it has almost become a term of abuse. I have heard one man shouting to another: 'You are a dyarchy.' 'I will beat you with a dyarchy,' said one Indian boy to another and when questioned as to what dyarchy was, replied, a new kind of tennis racket.' I have been received in a Burma village by 'a dyarchy band braying against a Home Rule band with all the vigour of village faction neither having the least idea of what Rule or dyarchy meant."

According to Roberts, "Dyarchy was the best transitional mechanism that appared after a prolonged examination of alternatives. Herein, indeed, lurked the seeds of trouble. There have often, no doubt, been transitional periods in history, but they were only discovered to be such in the retrospective survey of historians. Successive stages in national development have generally been regarded as final by each generation in turn. The peculiarity about the decade 1919—1929 is that it was a period required... by statutory enactment, to contemplate self-consciously its own ephemeral nature, with the inevitable result that it was always hastening desparingly to a long anticipated death bed." (*British India*, pp. 589-90).

According to Dr. Appadorai, "Dyarchy was introduced with high hopes and it must be said that, on a theoretical analysis and if worked under ideal conditions, it is not without merits. It is the strictly logical solution of a situation in which it is desired to base the authority of Government in different matters on two different sources—a situation in which a complete transfer of responsibility is considered impossible by a ruling power. It is thus a bridge between autocracy and responsibility. It is educative in the sense that it gives men an opportunity to show what they can do, as it proceeds on the basis of proved results; it would put everybody on their mettle.... In practice, largely because, I think, the conditions it postulates are too difficult to obtain, its achievements are much more modest. It is a trite remark that where it succeeded it succeeded only because the principle of dyarchy was largely ignored But this much may be said: under dyarchy many persons have been brought in touch with problems of administration, and with the difficulties of a responsible form of government. This is a valuable asset, especially if the same people have an opportunity of working later under a system of full responsible government. And another good result is that the ideas of 'transferred subjects' and 'popular control' have brought about a concentration of public interest on certain beneficial activities of government—the nation building departments".

According to Palande, "Dyarchy was never intended to be an ideal in itself but as a stepping stone to a nobler consummation, namely, a fully self-governing India .. Indians were thoroughly dissatisfied with the whole project of dyarchy. The parliamentary

appearances that it suggested were tantalizing. But those who had a personal knowledge of its inner working exposed its ridiculous contradictions and defects. The ideal manifestation of dyarchical government implied the complete self-effacement of an irresponsible bureaucracy, but unfortunately that quality was too super-human to be a normal feature of the administration."

According to Punniah, "Dyarchy was a unique experiment which was tried in nine provinces for over a period of sixteen years. Its main object and purpose was to train the people of India in the art of responsible self-government. Its authors were no doubt aware of its defects and shortcomings, but thought that there was no better alternative to it under the circumstances."

According to Thompson and Garratt, the reforms were far from being a complete failure. Useful work was done in the provinces by the Indian ministers, and there was no breakdown during the first three years. The process of Indianisation within the Government was proceeding quickly if unostentatiously. (*British Rule in India*, p. 615).

According to Coupland, "The Government of India Act, 1919 was by far the most important measure of Indian policy adopted by the British Parliament since the process of constitutional development began in 1861, for it crossed the line between legislative and executive authority. Previous measures had enabled Indians increasingly to control their legislatures but not their Governments. Some Indians, it is true, had been members of those Governments. but they had been officially appointed and were responsible, like their colleagues, to the Secretary of State and Parliament. Now Indians were to govern, so to speak, on their own. They were to take charge of great departments of Provincial administration, not as official nominees but as the leaders of the elected majorities in their Legislatures and responsible only to them. Limited and checked though it might be, this was a genuine transfer of power, and it was the appointment of these Ministers, more than anything else, that brought home the fact that the abdication of the British Raj had actually begun.

"Even more striking than the transfer of executive power was the constitutional method by which it was to be exercised, namely, responsible Government as understood and practised in Britain. The transferred field was to be governed under the British Parliamentary system. The reason for that was concisely stated at the outset of the Report. Englishmen believed in responsible government as the best form of government they know, and now in response to requests from India they have promised to extend it to India."

Constitutional Development from 1919 to 1935

The Reforms of 1919 were considered to be utterly inadequate by the Indians. The Indian National Congress at its annual session in 1919 condemned the Reforms as "inadequate, unsatisfactory and disappointing." While it asked the British Government to take early steps to establish full responsible Government in India in accordance with the principle of self-determination, it resolved to work

the Reforms "so far as may be possible" with a view to bring about the early establishment of responsible government in India.

The Indians were not in an uncompromising mood, but certain events spoiled the political atmosphere in the country. On the Report of a Committee presided over by Justice Rowlatt, two bills were introduced in the Imperial Legislature in February 1919 and passed into law by the official majority in spite of the opposition of the people. Mahatma Gandhi appealed to the people of India to offer *Satyagraha* against the oppressive laws. *Hartals* were held all over the country. Disturbances took place at various places. Martial law was declared in the Punjab. On the Baisakhi day (13th April, 1919), there occurred the Jallianwala Bagh tragedy. General Dyer ordered the opening of fire on a peaceful crowd at Amritsar. 1,650 rounds were fired, about 400 people were killed and 1,200 were wounded. The people were subjected to great humiliations. The crawling order was most resented. The people were required to pass through a street like four-footed animals. The Punjab leaders were jailed. At different places, bombs were thrown on innocent persons. All this resulted in resentment against the British Government.

Certain events brought the Congress and the Muslims together. The Muslims of India protested against the hard terms imposed on Turkey after the First World War. Mahatma Gandhi joined hands with the Muslims and started his non-violent non-co-operation movement for the redress of the Khilafat and the wrongs of the Punjab and the establishment of *Swarajya* in India. The Calcutta session of the Congress in September 1920 endorsed the policy of Mahatma Gandhi and called upon the people to give up their titles and honorary offices and also boycott schools, law courts, Legislative Councils and British goods. The movement was very strong for two years. However, the events of Chauri Chaura in the U. P. where 22 policemen were burnt to death by a mob, made Mahatma Gandhi suspend the movement. The Mahatma was himself arrested in March 1922 and the movement collapsed.

Although the Moderates were "prepared to do everything in their power to make the new constitution a success," they were themselves not satisfied with the Reforms. It was felt that the Reforms did not go far enough. On 23rd September 1921, a resolution was moved in the Assembly by Rai Jadunath Mozumdar Bahadur for the establishment of autonomy in the provinces and the introduction of responsibility in the Central Government. To that resolution, an amendment was moved by Mr. Jamnadas Dwarkadas in which he asked the Governor-General-in-Council "to appoint a committee consisting of officials and non-officials, including members of the Indian Legislature, to consider the best way of bringing about provincial autonomy in all the Governors' Provinces and of introducing responsibility in the Central Government and to make recommendations." Sir William Vincent, the Home Member, suggested the following formula which was adopted by the Assembly: "That this Assembly recommends to the Governor-General-in-Council that he should convey to the Secretary of State

for India the view of this Assembly that the progress made by India on the path of responsible government warrants a re-examination and revision of the Constitution at an earlier date than 1929."

The Government of India submitted a report of this debate to the Secretary of State for India. The latter was of the opinion that the possibilities of the new constitution had not been exhausted. He maintained that progress was possible under the existing constitution. The merits and capabilities of the electorate had not been tested by time and experience. The new constitutional machinery had still to be tested in its working as a whole. The reply of the Secretary of State was followed by a resolution moved in the Assembly by Diwan Bahadur T. Rangachariar in February 1923 expressing extreme dissatisfaction with it. Another resolution was moved by Dr. Hari Singh Gour in July 1923 which recommended to the Governor-General to move the Secretary of State to carry out his suggestion with regard to further reforms possible under the constitution.

At this stage, the Swarajists appeared on the scene. So far the Congress had followed a policy of non-co-operation. However, certain of its leaders led by C. R. Das and Motilal Nehru turned to a new method of embarrassing the Government. That method was "of wrecking legislatures from within." The members of the Swarajist Party took the pledge of "uniform, continuous and sustained obstruction with a view to making the Government through the Assembly and the Council impossible", and they had a striking success in the elections.

In the new Assembly, Diwan Bahadur Rangachariar moved a resolution recommending "to the Governor-General-in-Council that he be pleased to take at a very early date the necessary steps (including, if necessary, appointment of a Royal Commission) for revising the Government of India Act so as to secure for India full Self-Governing Dominion Status within the British Empire and provincial autonomy in the provinces. The Government opposed the resolution but proposed to make a serious attempt to investigate justifiable complaints against the working of the scheme in practice, to assess the causes and to examine the remedies necessary." Neither the original resolution nor the proposal of the Government was acceptable to the Swarajist Party and consequently Pandit Motilal Nehru, leader of the Swarajist Party, moved the following amendment and the same was carried : "This Assembly recommends to the Governor-General-in-Council to take steps to have the Government of India Act revised with a view to establish full responsible Government in India and for the said purpose—

"(*a*) to summon at an early date a representative Round Table Conference to recommend with due regard to the protection of the rights and interests of important minorities the scheme of a constitution for India ; and

"(*b*) after dissolving the Central Legislature to place the said scheme for approval before a newly elected Indian Legislature for its approval and submit the same to the British Parliament to be embodied in a statute."

Muddiman Committee Report

The Government of India did not accept the resolution of the Assembly, but set up a Committee under the Chairmanship of Sir Alexander Muddiman.

"(1) to enquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the Rules thereunder in regard to the Central Government and the Governments of Governors' Provinces ; and

"(2) to investigate the feasibility and desirability and of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,

(*a*) by action taken under the act and the rules, or

(*b*) by such amendments of the Act as appear necessary to rectify any administrative imperfections."

The Muddiman Committee did not submit a unanimous report. The majority view was that the existing constitution was working in most provinces and was affording valuable political experience. As the new constitution had been in existence only for a short period, it was not possible to say definitely as to whether it would succeed ultimately or not. However, detailed recommendations were made for improving machinery of the Government. The minority view was that dyarchy had absolutely failed and could not succeed at all in the future. It was only a fundamental change of the constitution which could bring about an improvement. To quote them, "It has been urged that an advance could be made by action under S. 19A of the Act and without any radical amendment of the Act itself. With all respect to those who maintain this view, we entirely differ from it :—

"In the first place, it is obvious that under S. 19A the Secretary of State can only 'regulate and restrict' the exercise of the powers of superintendence, direction and control vested to him.

"In the second place, such regulation and restriction of powers must be with a view to give effect to the purposes of the Government of India Act. These purposes are defined in the preamble, and we think that even if the Secretary of State felt so disposed, he could not, by the mere exercise of his powers under this section, abolish dyarchy.

"In the third place, reading the second and third parts of Section 19A with the first part, it seems to us that the relaxation of the control contemplated by S. 19A can only be with regard to Provincial Governments and cannot have any relation to the Central Government...We also think that the relaxation of control provided by this section cannot mean the same thing as divestment."

In September 1925, the Report of the Muddiman Committee was discussed in the Central Assembly. The Government of India proposed to accept the principle underlying the majority report and proceed with the consideration of its recommendations. Motilal

Nehru moved the following amendment which was carried in the Assembly in spite of the opposition of the Government : "That immediate steps should be taken to move His Majesty's Government to make a declaration in Parliament embodying such fundamental changes in the constitution of India as would make government fully responsible ; and that a Round Table Conference or Convention, representative of all interests, should be held to frame a detailed scheme which should be placed before the Legislative Assembly for approval, and afterwards submitted to the British Parliament to be embodied in a statute."

Appointment of Simon Commission

In November 1927, was appointed the Simon Commission. Different views have been expressed as to why the Statutory Commission was appointed earlier than stipulated in the Act of 1919. According to some, the British Government was forced to appoint the Commission earlier on account of the agitation carried on in India. However, the real reason seems to have been different. In December 1925, Lord Birkenhead, Secretary of State for India in the Conservative Ministry, referred to the possibility of accelerating the Commission. The whole object of Lord Birkenhead and the Conservative Government was not to leave the Commission to be appointed by the Labour Government which, it was felt, would almost certainly come to power at the next general elections. Another object was to use the appointment of the Commission as a bargaining counter and to disintegrate the Swarajist Party.

The Statutory Commission consisted of seven members and was presided over by the late Sir John Simon. All of its members were Englishmen. The Commission was boycotted by the Indians on the ground that it had no Indian member. The excuse given for not appointing any Indian on the Commission was that the intention of the framers of the Act of 1919 was to confine the Commission to members of Parliament. However, the Act did not lay down any such restriction. But even if the British Government wanted to restrict the nomination to members of Parliament, there were two Indian members at that time. Lord Sinha was a member of the House of Lords and Mr. Shapurji Saklatwala was in the House of Commons. Lord Sinha had been closely associated with the various stages of constitutional reforms in India. His presence on the Commission would have been very valuable. The real reason seems to have been that the Conservative Government did not want any Indian to be on the Commission. According to Dr. A. B. Keith, an avoidable blunder was committed by the Indians by boycotting the Commission. Only a body external to India could properly decide whether the country was fit for a further step towards the goal of self-government or not. As India was not independent, she could not investigate her own case.

The Simon Commission was appointed "for the purpose of inquiring into the working of system of Government, the growth of education and development of representative institutions in British India and matters connected therewith" and reporting "as to whether and

to what extent it is desirable to establish the principle of responsible Government, or to extend, modify, or restrict the degree of responsible Government then existing therein, including the question whether the establishment of second chambers of the local legislatures, is or is not desirable." As the inquiry was coming to a close, the Commissioners "were increasingly impressed by the impossibility of considering the constitutional problems of British India without taking into account the relations between British India and the Indian States." With the approval of the British Government, the Commission also considered the relations between British India and the Indian States.

The Simon Commission was boycotted not only by the Congress and other representative organisations, but also by other distinguished leaders of India. Resolutions were passed condemning the constitution of the Commission. To quote one, "We have come to a deliberate conclusion that the exclusion of Indians from the Commission is fundamentally wrong. The underlying principle of the scheme that Indians are to have no authoritative voice either in the collection of proper materials and evidence or in taking of decisions by way of recommendations of the Commission to Parliament is of such a character that India cannot, with any self-respect, acquiesce in it. Unless a Commission on which British and Indian statesmen are invited to sit on equal terms is set up, we cannot conscientiously take any part or share in work of Commission as at present constituted."

The day on which the Commission landed in India, there was a *hartal* all over the country. Wherever the members of the Commission went, they were greeted with black flags and cries of "*Simon go back*." The Central Assembly was invited to form a committee to co-operate with the Commission, but it refused to do so. A large number of persons were arrested and prosecuted. However, prosecutions did not damp the enthusiasm of the people against the Commission.

The Nehru Report.

The Indians condemned the appointment of an all-white Simon Commission and Lord Birkenhead, while justifying the exclusion of Indians from the Commission, challenged the latter to produce an agreed constitution and submit the same to the British Parliament for consideration. This challenge was accepted by the Indians and an All Parties Conference was held in Bombay on 19th May, 1928. This conference was presided over by Dr. M. A. Ansari. The conference appointed a Committee under the Chairmanship of Pandit Motilal Nehru to consider and determine the principles of a constitution for India. Sir Tej Bahadur Sapru, Sir Ali Imam, Mr. M. S. Aney, Sardar Mangal Singh, Mr. Shuaib Qureshi, G.R. Pradhan and Subhash Chandra Bose were its members. The Committee produced a report which has gone down in history as the Nehru Report. According to Dr. Zacharias, the report is "a masterly and statesmanlike report." According to another critic, "The Nehru Report deserves to be read and studied in all its details, as it sheds light on every subject it touches and displays a practical commonsense, which never loses itself in doctrinaire utopias, but which equally spurns to shelter itself

behind the enunciation of mere platitudes. The recommendations of the report were unanimous except in regard to the basis of the constitution. While the majority favoured Dominion Status not merely as distant goal, but as "the next immediate step," it, however, gave liberty of action to all those groups and parties which made complete independence their goal.

Although the Report envisaged a future linking up of the Indian States with the rest of India in a federal polity, it confined itself to British India. The Report laid down generally that all treaties made between the East India Company and the Indian States and all such subsequent treaties so far as they were enforced, would be binding on the Commonwealth of India and that the Commonwealth would exercise the same right in relation to and discharge the same obligations towards the Indian States as the Government of India exercised and discharged previously. In regard to matters of justifiable character, in case of differences between Commonwealth and Indian States on any matter arising out of treaties, engagements, *Sanads* or similar other documents, the Governor-General-in-Council may with the consent of the State concerned, refer such matters to the Supreme Court for its decision.

As regards the communal question, the report made many wise recommendations. It proposed joint electorates with reservation of seats for minorities on population basis with the right to contest additional seats. No seats were to be reserved for any community in the Punjab and Bengal. Full protection was to be given to the religious and cultural interests of the Muslim community. New provinces on linguistic basis were to be created with a view to the "planning of Muslim-majority provinces against Hindu-majority provinces."

The Report enumerated 19 fundamental rights which were to be embodied in the statute. It was to be declared that all powers of the Government and all authority were derived from the people. No person shall be deprived of his liberty, nor shall his dwelling or property be entered, sequestered or confiscated, save in accordance with law. Freedom of conscience and free profession and practice of religion will be guaranteed to every person. The right of free expression of opinion and the right to assemble peacefully and without arms and to form associations or unions shall be guaranteed for purposes not opposed to public order or morality. All citizens shall have the right to free elementary education. All citizens shall be equal before law and possess equal civic rights. There shall be no penal law of a discriminatory nature. No person shall be punished for any act which is not punishable under the law at the time it is committed. No corporal punishment or other punishment involving torture of any kind shall be lawful. Every citizen shall have the right to a writ of *Habeas Corpus*. There shall be no State religion for the Commonwealth of India or for any province, nor shall any State endow any religion or give preference to any religion. No person attending any school receiving State-aid or other public money shall be compelled to attend religious instruction that may be given in the school. No person shall by reason of his religion, caste or creed be

prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling. All citizens shall have an equal right of access to, and use of, public roads, public wells and all other places of public resort. Freedom of combination and association for maintenance and improvement of labour and economic conditions shall be guaranteed to every one and of all occupations. All agreements and measures tending to restrict or obstruct such freedom shall be illegal. No breach of contract of service or abetment shall be made a criminal offence. Parliament shall make suitable laws for the maintenance of health and fitness for work of all citizens, securing of a living wage for every worker, the protection of motherhood, welfare of children, and the economic consequences of old age, infirmity and unemployment. Every citizen shall have the right to keep and bear arms in accordance with the regulations made in that behalf. Man and woman shall have equal rights as citizens.

The Report provided for a Parliament of two houses, *viz.*, Senate and House of Representatives. Governor-General was to be appointed by the British Government. He was to be paid out of the Indian revenues and his salary was not to be altered during his continuance in office. Senate was to consist of 200 members elected by provincial councils. The House of Representatives was to consist of 500 members. It was to be elected on an adult franchise basis. The life of the Senate was to be seven years and that of the House of Representatives 5 years.

The Governor-General was to act on the advice of the Executive Council. Prime Minister was to be appointed by the Governor-General and other ministers were to be appointed on the advice of the Prime Minister. The Executive Government was to be collectively responsible to Parliament. Governor-General-in-Council was to appoint High Commissioners and other foreign representatives similar to those appointed by Canada and other Dominions. He was also to appoint Auditor-General of India.

The Governor of every province was to be appointed by the King of England. He was to be paid out of the provincial revenues. Provision was also to be made for a Legislative Council elected on an adult-franchise basis. The Provincial Council was to sit for 5 years. However, it could be dissolved earlier by the Governor. The latter could also extend its life under special circumstances. Provision was made for a President and Vice-President of the Legislative Council.

The Governor was to act on the advice of the Provincial Executive Council whose number was not to exceed 5. Governor-General was to select the Chief Minister and the other members of the Executive Council were to be appointed by him on the advice of the Chief Minister. Provision was to be made for a Supreme Court. It was to consist of Lord President and other Justices. The members of the Supreme Court were to be appointed by the Governor-General-in-Council, but were not to be removed from office except on an address from both houses of Parliament praying for such removal on the ground of misbehaviour or incapacity The Supreme Court was to have both original and appellate jurisdiction. Provision was also

to be made for taking of appeals to the King-in-Council under certain circumstances.

Governor-General-in-Council was to appoint a Committee of Defence consisting of the Minister of Defence, Minister of Foreign Affairs, Commander-in-Chief, Commander of Air Forces, Commander of Naval Forces, Chief of the General Staff and two other experts. Prime Minister was to be the Chairman of the Committee. The functions of the Committee were to advise the Government and the various departments concerned on questions of defence and general policy.

As regards the civil services, all officers of public services at the time of the establishment of Commonwealth, were to become officers of that Commonwealth. The Governor-General was to appoint a Public Service Commission. All officers of the Army Services were to retain all their existing rights regarding their salaries, allowances and pensions. They were also to get compensation for any loss incurred by them.

The Nehru Report was submitted on 10th August, 1928 and the All Parties Conference met at Calcutta on 22nd December, 1928 to consider the Report. As regards the communal question, Mr. Jinnah on behalf of the All-India Muslim League, moved amendments to the Report. The first amendment was that one-third of the elected representatives of both the houses of the Central Legislature should be Muslims, but the amendment was rejected. The second amendment was that in the event of an adult franchise not being established in the Punjab and Bengal, there should be reservation of seats for the Muslims on a population basis for 10 years subject to re-examination after the period, but the Muslims should have no right to contest additional seats. This amendment was also lost. The third amendment moved by Mr. Jinnah was that residuary powers should vest in the provinces. This was also not accepted. Another amendment moved by him was that no amendment of the constitution should be made unless it was first passed by both the houses of Parliament separately by a majority of four-fifths and was approved by a similar majority of both the Houses in joint session. This amendment was unanimously accepted. It is to be noted that Sir Tej Bahadur Sapru pressed the Conference to accept the amendment of Mr. Jinnah with a view to secure a settlement. While doing so, he remarked thus : "The simple position is that for the sake of settlement, you are invited by Mr. Jinnah however illogical and unreasonable to agree to this proposition, which I consider not inconsistent with the Nehru Report. Speaking for myself, I would like you to picture Mr. Jinnah whom I have known intimately for 15 years, as a spoilt child. If he is a spoilt child, naughty child, I am prepared to say, give him what he wants and be finished with it. I am not going to ask him to be reasonable but we must, as practical statesmen, try to solve the problem and not be misled by arithmetical figures." However, it is to be noted that Mr. M. R. Jaykar who represented the Hindu point of view, was opposed to the demands of Mr. Jinnah.

A session of the All-India Muslim League was convened in March 1929. The Subjects Committee of the League Session which

met on March 31, approved of the Nehru report by a majority subject to certain specified safeguards which Jinnah had advocated at Calcutta Convention. At the opening session of the League, this resolution was adopted by a majority.

Jinnah's Fourteen Points (1929).

Mr. Jinnah summoned a meeting of the All-India Muslim League at Delhi in March 1929 and put forward his fourteen points as the minimum Muslim demands for any political settlement. While rejecting the Nehru Report, the resolution of the League laid down as under :

"That no scheme for the future constitution of the Government of India will be acceptable to the Mussalmans of India until and unless the following basic principles are given effect to and provisions are embodied therein to safeguard their rights and interests.

1. "The form of the future constitution should be federal with the residuary powers vested in the provinces.

2. "A uniform measure of autonomy shall be granted to all provinces.

3. "All legislatures in the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even equality.

4. "In Central Lagislature Muslim representation shall be one-third.

5. "Representation of communal groups shall continue to be separate electorates as at present provided it shall be open to any community, at any time, to abandon its separate electorate in favour of joint electorates.

6. "Any territorial re-distribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and North-West Frontier Province.

7. "Full religious liberty, *i.e.*, liberty of belief, worship and observance, propaganda, association and education shall be guaranteed to all communities.

8. "No bill or resolution or any part thereof shall be passed in any legislature or any elected body if three-fourths of the members of any community in that particular body oppose such a bill, resolution or part thereof on the ground that it would be injurious to the interests of that community, or in the alternative such other method is devised as may be found possible and practicable to deal with such cases.

9. "Sind should be separated from the Bombay Presidency.

10. "Reforms should be introduced in the N. W. F. Province and Baluchistan on the same footing as in other provinces.

11. "Provision should be made in the constitution giving Muslims an adequate share along with other Indians in all the services of the State and in local self-government bodies having due regard to the requirements of efficiency.

12. "The constitution should embody adequate safeguards for the protection of Muslim culture and for the promotion of Muslim education, language, religion, personal laws and Muslim charitable institutions and for their due share in the grants-in-aid given by the State and by the self-governing bodies.

13. "No Cabinet either central or provincial should be formed without there being a proportion of at least one-third Muslim Ministers.

14. "No change shall be made in the constitution of the Central Legislature except with the concurrence of the State constituting the Indian Federation."

There was a change of government in England. The Labour Party, headed by Ramsay MacDonald, came to power. High hopes were entertained regarding the future of India. While in the Opposition, Ramsay MacDonald had always sympathised with the Indian aspirations and advocated their cause. No wonder, the Indians were hopeful about the future.

Lord Irwin got convinced that it was not possible to maintain an irresponsible Central Government for long. He paid a hasty visit to England to confer with the new Labour Government and on his return issued the following statement on 31st October, 1929 : "In view of the doubts which have been expressed both in Great Britain and India regarding the interpretation to be placed on the intentions of the British Government in enacting the Statute of 1919, I am authorised on behalf of His Majesty's Government to state clearly that in their judgment, it is implicit in the Declaration of 1917 that the natural issue of India's Constitutional progress as there contemplated is the attainment of the Dominion Status.". He also stated that the Simon Commission had suggested to His Majesty's Government and the latter had accepted the suggestion that after the publication of their Report and before its examination by the Joint Parliamentary Committee, they should call together a conference "in which His Majesty's Government meet the representatives both of British India and of the States for the purpose of seeking the greatest possible measure of agreement for the final proposals which it would later be the duty of His Majesty's Government to submit to Parliament."

Critics point out that whatever may be thought about the statesmanship of this declaration, it should have not been made until the Commission had concluded its labours. It left that unfortunate body in the air, and at the same time stole its thunder. Moreover, the phrase "Dominion Status" was unhappily so ambiguous that it could be given various interpretations. The Government of India seem to have used the phrase in the sense in which it was employed in the Preamble to the Act of 1919 as applicable to the constitution of a dependency enjoying responsible Government. On the other hand, they gave to it the same meaning as was given to it by the Balfour Declaration of 1926. These Dominions were described as "autonomous communities within the British Empire, equivalent in status, in no way subordinate to one another in any aspect, domestic or external affairs, though united by a common allegiance to the

Crown and freely associated as members of the British Commonwealth of Nations." The Congress leaders also were not satisfied with the limited scope and purpose of the Round Table Conference. What the Indians demanded was the convening of a Constituent Assembly for the purpose of drafting a constitution for India. It is evident that the views of the people of India and the British Government radically differed from each other. However, an interview was arranged between Mahatma Gandhi and Lord Irwin with a view to explore the possibilities of a compromise. The interview failed to achieve its purpose. The result was that when the Indian National Congress met at Lahore after a few days under the presidentship of Pandit Jawahar Lal Nehru, it passed resolutions boycotting the Round Table Conference, declaring the object of the Indian National Congress as the attainment of *Swarajya* or complete independence for India and authorising the All-India Congress Committee to start Civil Disobedience Movement. 26th January was observed as India's Independence Day and the Civil Disobedience Movement was started in March 1930. Mahatma Gandhi started his historic march to Dandi to violate the salt laws. Thousands of people all over the country deliberately violated certain laws of the country and courted arrest. There were Lathi charges by the Police. Repression was in full swing. Ordinances were issued in quick succession by the Government to meet the situation. Editors and proprietors of newspapers and printing presses were arrested and fined. There seemed to be a complete breach between the Government and the nationalist movement in the country.

Simon Commission Report, 1930. The Report of the Simon Commission was published in May 1930. First of all, the Report considered as to what should be the ultimate constitutional framework of all India and what should be the place of provinces in that. The Report declared that the framework could not be of unitary type. It must be federal, not merely in response to the growth of provincial loyalties but primarily because it must embrace all India and it was only in a Federation that Indian States could be expected in course of time to unite with British India.

(1) According to the Report, dyarchy should be abolished in the provinces and the whole field of provincial administration should be entrusted to ministers responsible to their legislatures. "Each province should as far as possible be the mistress in her own house." It was pointed out that the retention of reserved subjects implied the continuance of control over that part of the provincial administration by the Central Government and the Secretary of State for India. That was not a desirable thing. In the new provincial set up, the ministries were not to be formed entirely on the British model. The Governor was to be allowed to select those ministers who commanded a majority in the legislature. He was not to appoint a ministry on the advice of Prime Minister or Chief Minister. In all legislation and administration, ministers were to be free from interference by the Government or the Central Government except for such stated vital reasons as the maintenance of the safety of the province or the protection of minorities. It was recommended that franchise should be extended and the legislature be enlarged.

(2) The Report recommended that the question of making Sind and Orissa as separate provinces should be given further expert examination. However, it should be decided forthwith to separate Burma from the Government of India. The North-West Frontier Province was considered to be ripe for the first step in constitutional advance. That province should be given a Legislative Council and its representation in the Central Legislature should be strengthened.

(3) With regard to the Centre, the Report made recommendations which aimed at preparing the way for an All-India Federation. The Central Legislature was to be refashioned on the federal principle. The members of the Federal Assembly or the Lower House were to be representatives not of sections of the people of India at large but of the provinces. They were to be elected by the Provincial Councils. The elections and nominations to the Council of States were also to be on a provincial basis. The distribution of seats among the various provinces for the Assembly was to be roughly on population basis. Each province was to have three members in the Council of State.

(4) So far as the Central Executive was concerned, there was a note of "gradualness" in the Report. No substantial change was recommended. The whole Government was to continue as an official Government. There was to be no Government responsible to the Legislature. There was to be no dyarchy at the Centre. It was pointed out that there was the need of keeping the Centre strong and stable "while the Provincial Councils were learning by experience to bear the full weight of new and heavy responsibilities. The reason given for this was not the immediate need of the political situation in India, but the ultimate needs of the federation. It was stated that the provinces must find themselves before the nature of their participation in a federal Government could be determined. It is necessary to take a long view of the development of Indian self-Government....A premature endeavour to introduce forms of responsible Government at the Centre before the conditions for its actual practice have emerged would in the end result not in advance but in retrogression."

(5) It was pointed out that an All-India Federation was to be set up in the distant future. The idea that "the federation of Greater India can be artificially hastened or that, when it comes, it will spring into being at a bound", was set aside. For the present, only one new step was recommended. In order to "foster the sense of need for further developments and bring more nearly within the range of realisation other steps which are as yet too distant and too dim to be entered upon and described ", a Council for Greater India should be set up, representing both British India and the States, discuss in a consultative capacity all matters of common concern, a list of which should be drawn up and scheduled. The Preamble of the new Act should record the desire to bring about a closer association between the two parts of India.

(6) The Act of 1919 had provided for setting up of a Commission after 10 years for inquiring into the working of the reforms and naming of recommendations for the future. The Report recommended that the method of periodical inquiry should be given up. The new

constitution should be so elastically framed as to enable it to develop by itself. The provincial legislatures should have power to modify their own composition and procedure and self-Government should grow not by making laws but by usages and conventions.

According to P. E. Roberts, the Simon Commission Report "will always stand out as one of the greatest of India State papers. The impressive unanimity of the commissioners, who from their known party antecedents must clearly have sacrificed all but their deepest convictions to attain it, ought to have commended their sagacious and temperately worded conclusions to men of goodwill." (*British India*, p. 598). However, the Report was condemned by the Indians. The British Government itself had also partly forestalled it and ultimately side-tracked it. although some of its recommendations were ultimately embodied in the Act of 1935. According to Dr. A. B. Keith, "It was probably foolish of Indian opinion to repudiate the report out and out. If it had been accepted, the British Government could hardly have failed to work on it, and responsible government could in the provinces have been achieved much earlier than it could be under any later scheme. Moreover, the pressure of such Governments on the Centre would doubtless have operated strongly in the direction of inducing the British Government to aim at federation and the States to come to terms with Indian political leaders. It is noteworthy that the Commission endeavoured to suggest that responsible government in India need not follow rigidly existing models, a fact which at once rendered it suspect in the eyes of Indian politicians, whose views on these topics have throughout shown a remarkable lack of ingenuity and a determination slavishly to copy Western models hardly compatible with the national spirit by which they are animated." (*Constitutional History of India*, pp. 293-94).

Round Table Conference (1930-31). After the publication of the Simon Commission Report and its condemnation by the people of India, the British Government called the First Round Table Conference in London. The Conference met in November 1930. As the Congress leaders were in jail, the Government appointed safe men belonging to other parties. communities and interests to represent India. Representatives from the Indian States were also invited to participate in the deliberations and included men like Sir Mirza Ismail, Sir Akbar Hydari and the Maharaja of Bikaner. There were lengthy discussions on the question of the future form of the Government of India. Ultimately, three basic principles were settled and accepted by the British Government. The form of the new Government of India was to be an All-India Federation in which the British Indian Provinces and the Indian States were to join. Subject to such reservations and safeguards as might be considered necessary for the transitional period, the Federal Government was to be made responsible to the Federal Legislature. Provinces were to be given autonomy in their own affairs. At the end of the First Round Table Conference, Ramsay MacDonald made the following important statement: "The view of His Majesty's Government is that responsibility for the Government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be considered

necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by minorities to protect their political liberties and rights. In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new Constitution to full responsibility for her own Government. Pledge after pledge had been given to India that British *Raj* was there not for perpetual domination. Why did we put facilities for education at your disposal ? Why did we put in your hands text-books from which we draw political inspiration ? If we meant that the people of India should for ever be silent and negative, subordinated to our rule, why have our queens and kings given you pledges ? Why has our Parliament given you pledges ? Finally, I hope, and trust, and I pray that by our labours together India will come to possess the only thing which she now lacks, to give her the status of a Dominion amongst the British Commonwealth of Nations—what she now lacks for that—the responsibilities and the cares, the burdens and difficulties, but the pride and the honour of responsible Self-Government."

As it was not considered advisable to proceed with the work of the final form of the future constitution of India in the absence of the representatives of the Indian National Congress, it was decided to call a Second Round Table Conference, and in the meanwhile efforts were to be made to bring about a reconciliation between the Congress and the Government. The efforts of Tej Bahadur Sapru and Sir M. R. Jayakar were crowned with success and the famous Gandhi-Irwin Pact was signed in March 1931. The Government released all the political prisoners Mahatma Gandhi withdrew the Civil Disobedience Movement. An atmosphere of goodwill having been created, Mahatma Gandhi left for London to attend the Second Round Table Conference as the sole representative of the Congress. In spite of the magnetic personality of Mahatma Gandhi and his devotion to the work in hand, the communal tangle could not be solved. Mahatma Gandhi gave a *Carta Blanche* to Mr. M. A. Jinnah, but all efforts for a settlement failed on account of the uncompromising attitude of Mr. Jinnah and the part played by Sir Samuel Hoare, the Secretary of State for India. Realising the failure of his mission, Mahatma Gandhi left England in disgust and was arrested on his arrival in India.

It is true that as a result of the economic crisis in the world and especially in England, the Labour Government of Ramsay MacDonald had been replaced by a National Government, but somehow, Ramsay MacDonald managed to follow his previous policy with regard to India at the Second Round Table Conference. Many problems was considered, but the members could not come to any definite conclusion. Consequently, the work was referred to various committees which were required to submit detailed reports. As regards the question of communal representation, Ramsay MacDonald made it clear that if the various communities in India did not come

to any definite settlement, the British Government would be forced to give its own Award regarding the same.

Communal Award (1932). As the Indians could not arrive at any settlement, Ramsay MacDonald gave his famous "award" known as the Communal Award on 16th August, 1932. The scope of this Award was purposely confined to the arrangements to be made for the representation of British Indian communities in the provincial legislatures, consideration of representation to the Central Legislature being deferred for the time being as that involved a question of the representation of the Indian States which needed further discussion. The hope was expressed that once a pronouncement was made upon questions of the method and proportions of representation, the communities themselves may find it possible to arrive at a *modus vivendi* on the communal problem. If before the passing of the new Government of India Act, the Government was satisfied that the communities concerned were mutually agreed upon any alternative scheme they would be prepared to recommend to Parliament the substitution of the alternative scheme for the Communal Award. "His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to revision of their decision and will not be prepared to give consideration to any representation aimed at securing modification of it which is not supported by all parties affected....If before the new Government of India Act has passed into law they are satisfied that the communities who are concerned are mutually agreed upon a practical alternative scheme either in respect of any one or more of Governors' provinces or in respect of the whole of British India, they will be prepared to recommend to Parliament that the alternative scheme should be adopted."

According to the Award, elections to the seats allotted to Muslim, European and Sikh constituencies were to be by voters voting for separate communal electorates covering between them the whole area of a province. Special provisions were made for excluded areas. Provision was to be made in the new Constitution of India to allow the revision of electoral arrangements after the lapse of 10 years with the assent of the communities affected, for the ascertainment of which suitable means were to be devised.

All qualified voters who were not voters in Muslim, Sikh, Indian-Christian, Anglo-Indian or European constituencies were entitled to vote in a general constituency.

Seven seats were reserved for the Marathas in certain selected plural-member general constituencies in Bombay.

The members of the depressed classes who were qualified to vote, were to vote in a general constituency. However, special seats were to be reserved for them. Those seats were to be filled up by election from special constituencies in which only the members of the depressed classes electorally qualified were to be entitled to vote. Any person voting in such a special constituency was also to be entitled to vote in a general constituency. These constituencies were to be formed in those selected areas where the depressed classes were

most numerous, and except in Madras, they were not to cover the whole of the area of a province. In the case of Bengal, in some general constituencies, the majority of the voters belonged to the depressed classes. Consequently, no special number was to be fixed for their seats in that province. However, they were not to get less than 10 seats in Bengal. The maximum duration of the depressed classes constituencies was to be 20 years, provided they were not abolished earlier.

The election of the Indian Christians was to be by voters voting in separate communal constituencies. It was felt that practical difficulties would prevent the formation of the Indian Christian constituencies covering the whole area of a province and consequently special Indian Christian constituencies were to be formed in one or two selected areas in a province. The Indian Christian voters in those areas were not to vote in a general constituency. Outside those areas, they were to vote in a general constituency. Special arrangements were to be made in Bihar and Orissa where a large number of the Indian Christians belonged to the original tribes.

The Anglo-Indians were also to vote on communal lines. The intention was that the Anglo-Indian constituencies were to cover the whole area of a province and postal ballot was to be employed for that purpose.

Women were also given special representation on communal lines. The electors of a particular community were to elect their own quota.

Special seats were to be allotted to Commerce and Industry. Mining and Planting, to be filled up by election through the Chambers of Commerce and other associations. Their details were to be worked out later on.

Seats allotted to land-holders were to be filled by the land-holders' constituencies.

It was stated that the work of the determination of the constituencies was to begin soon. The Government reserved to itself the right of making slight variations in the number of seats given to the various communities with a view to facilitate the work of the delimitation of constituencies. However, the proportion was not to be materially changed. The composition of the second chambers in the provinces was not to disturb in any essential the balance between the communities resulting from the composition of the Lower House.

Poona Pact (1932). Mahatma Gandhi in his letter written in March 1932 to Sir Samuel Hoare, Secretary of State for India, had warned him that he would resist with his life the grant of separate electorates to the depressed classes. When the Communal Award was published and it was found that the British Government was determined to give separate communal representation to the depressed classes Mahatma Gandhi wrote to Ramsay MacDonald that the matter was "one of pure religion" with him and he asked : "Do you realise that, if your decision stands and the constitution comes into being, you arrest the marvellous growth of the work of the Hindu

reformers who have dedicated themselves to the uplift of their suppressed brethren in every walk of life ?" Mahatma Gandhi's letter had no effect on the Prime Minister of England who took the matter light-heartedly and would not have bothered if the Mahatma had died. When the British Government refused to move in the matter and the condition of Mahatma Gandhi became serious on account of his fast unto death, the Indian leaders made up their minds to get the Award modified by mutual agreement. Negotiations took place with Dr. Ambedkar and Rajah and ultimately the Poona Pact was signed in September 1932 and was accepted by the Government.

The Poona Pact reserved seats for depressed classes out of the general electoral seats in provincial legislatures as follows :—Madras 30, Bombay with Sind 15, Punjab 8, Bihar and Orissa 18, C. P. 20, Assam 7, Bengal 30, and U. P. 20. The total of the reserved seats for the depressed classes was 148.

As regards the procedure for elections to these seats by joint electorates, all members of the depressed classes registered in the general electoral roll in a constituency were to form an electoral college which was to elect a panel of 4 candidates belonging to the depressed classes for each of the reserved seats by the method of single vote. The four persons getting the highest number of votes in the primary election were to be candidates for election by the general electorate.

The depressed classes were to have representation in the Central Legislature on the principle of joint electorates and seats were to be reserved for them in the same way as in the case of the provinces. 18% of the general seats for British India were to be reserved for the depressed classes.

The system of primary elections to a panel of candidates for election to Central and Provincial Legislatures was to be abolished after 10 years or earlier, if an agreement to that effect was made.

The depressed classes were to be given fair representation in the local bodies and the public services subject to educational qualifications.

In every educational grant in the provincial budget, an adequate sum was to be earmarked for the education of the depressed classes. The procedure to be adopted for election of the representatives of the depressed classes to the Central Legislature was postponed as that involved the whole system of representation at the Centre.

Third Round Table Conference. To take up the story of the Round Table Conferences, a Third Round Table Conference was called by the British Government rather reluctantly as it was of the opinion that the rest of the work could be done in India. The result was that the session of the Third Round Table Conference lasted from 17th November to 24th December 1932. The Labour Party did not co-operate in the deliberations and the Indian National Congress was unrepresented. The delegates to the Conference merely discussed the reports of the various committees appointed by the Second Round Table Conference and decided a few more points.

The White Paper (1933). When the whole scheme regarding the future constitution of India was thrashed out, the British Government issued in March 1933, a small document known as the White Paper. It gave in detail the working basis of the new Indian Constitution with a dyarchy at the Centre and a responsible Government in the Provinces. As was to be expected, the White Paper was condemned by the Indian public opinion. However, in spite of opposition and criticism, the British Government went on with its programme.

In April 1933, a Joint Select Committee was appointed to examine and report on the Government proposals as contained in the White Paper. The Committee consisted of 16 members each from the House of Commons and House of Lords and its Chairman was Lord Linlithgow. The Committee invited representatives from British India and Indian States. After examining many witnesses and going through the Memoranda received from the Indian Association, the British Indian Delegations, Sir Tej Bahadur Sapru, M. R. Jayakar and other prominent individuals, the Joint Select Committee submitted its report on 22nd November 1934. Although it did not alter the fundamentals as given in the White Paper, it recommended many changes in the structure of the Provincial and Federal Legislatures and other matters also.

When the reforms scheme was thoroughly discussed and given final shape by the Joint Select Committee, a Bill was drafted on those lines and introduced in the House of Commons on 5th February, 1935. Sir Samuel Hoare, Secretary of State for India, was in charge of the Bill which was severely criticised by the Labour Party for its limited scope. The Labour members tried to amend the Bill in such a way as to recognise explicitly India's right to Dominion Status. The diehards led by Winston Churchill tried to introduce reactionary elements into the Bill. However, the Government went on with its own scheme which was passed by the House of Commons on 4th June, 1935. The Bill was introduced in the House of Lords on 6th June, 1935, and was passed in July 1935. Here also the efforts of the Labour members to liberalise the Bill failed As the Government hade made some amendments in the Bill at this stage, the Bill had to be sent back to the House of Commons which accepted the proposed amendments. The Bill received the Royal assent on 2nd August, 1935 as Government of India Act, 1935.

Provisions of Government of India Act, 1935. (1) The Act provided for an All-India Federation. The question of Indian Federation presented a peculiar problem on account of the disparity between the Indian States and Provinces of British India with regard to their legal status and their internal political structure. The Indian States were under the complete control of the Political Department of the Government of India. The Provinces on the other hand, had some sort of a democratic Government. According to the Act of 1935, all the provinces were to join the Indian Federation automatically. Entry into the Federation was to be a purely voluntary action on the part of each State, however small and insignificant that State may be. At the time of joining the Federation, the ruler of the State was to execute an Instrument of Accession in favour of the Crown. On

acceptance of that Instrument, the State was to become a unit of the Federation. The Crown was forbidden to accept an Instrument of Accession if its terms appeared to be inconsistent with the scheme of the Federation. While the provinces were to be alike in respect of the position of the quantum of Legislative and Executive power in the Federation, the States were to differ regarding the extent of their powers in the Federation. The scope of the Federal jurisdiction in the States was to depend solely upon the transfers made by their respective rulers through their Instruments of Accession. The Instrument was to authorise the various Federal Authorities to exercise their respective functions under the Act in relation to that particular State. It was to be the duty of the ruler to see that due effect was given within his State to the provisions of the Act in so far as those provisions were made applicable by virtue of the Instrument. The ruler was authorised to extend the functions of the Federal authority in respect of his State by a subsidiary Instrument, but no subsequent Instrument could decrease the scope of the authority of the Federation as provided by the original Instrument of Accession.

The Indian States were to send 125 members to the Federal Assembly and 104 members to the Council of State. The provinces were to send 250 members to the Federal Assembly and 156 members to the Council of State. The members from the Indian States were to be nominated by the rulers, but those from the provinces were to be elected on communal lines.

The functions of the Crown with regard to the Indian States were to be performed in India by his representative who was the Viceroy himself.

The Indian Federation as provided by the Act of 1953 was different from the other federal systems. There was no simple division of powers between the Centre and the units. The Act provided for three lists: Federal List, Provincial List, and the Concurrent List. The Federal Government was authorised to pass laws on the subjects given in the Federal List. The subjects given in the Provincial List were within the exclusive jurisdiction of the Provincial Legislature. As regards the Concurrent List both the Federal Legislatures and the Provincial Legislatures could pass laws on the subjects given in that List. However, if a law was passed by the Federal Legislature on any subject given in the Concurrent List, the Provincial Legislature could not make law on the same subject afterwards. As regards the residuary powers, the Governor-General in his discretion was given the power to decide as to which of the three Lists a particular subject was to be allotted.

(2) The Act of 1935 also provided for dyarchy at the Centre. That dyarchy which was abolished in the provinces, was introduced at the Centre. Certain Federal subjects were reserved in the hands of the Governor-General to be administered by him with the assistance of not more than 3 Counsellors to be appointed by him. Those subjects were Defence, External Affairs, Ecclesiastical Affairs ond the administration of Tribal Areas. In the administration of the other Federal subjects, the Governor-General was to be aided and advised by a Council of Ministers whose number was not to exceed 10. The

Federal Ministry was to administer all the Federal Departments except the above-mentioned reserved Departments. The Federal Ministry was to be formed on the usual cabinet lines except that it was to include the representatives of the important minorities. It is true that the inclusion of these elements was not obligatory under the Act, but the Governor-General was instructed by means of an Instrument of Instructions to secure such representation to the best of his ability. In spite of the composite character of the Ministry, their responsibility was to be collective. The Ministry was to be responsible to the Federal Legislature.

Critics pointed out the weakness of the position of the Ministers on account of the large number of powers given to the Governor-General and to be exercised by him in his individual judgement and in his discretion. According to Prof K. T. Shah, "The position assigned under the new Constitution to the Council of Federal Ministers is ornamental, without being useful, onerous without ever being helpful to the people they are supposed to represent, responsibility without power position without authority, name without any real influence." (*Federal Structure*, p. 223). To quote the same author, "It seems extremely doubtful if the popular ministers of the Federation of India will have any real opportunity to inaugurate constructive schemes of economic betterment or social reconstruction. The necessary funds are either unavailable because earmarked already for non-productive expenditure and lavish scale of over-head charges ; or difficult to find in the absence of new texation proposal which the Governor-General may not always view with favour. Additional burdens are specially difficult in a Federation to propose and particularly unwelcome in popular Governments ...If the communal curb upon ministerial enthusiasm does not prove quite effective, there are the enormous powers of the Governor-General, as protector and champion of the vested interests and imperialist exploitation, which are bound to be employed to impede or frustrate too enthusiastic ministers. They are specific provisions in the constitution as any discrimination against British vested interests, which will hamper the work of the ministers in their work. The ministers' own internal difficulties, want of solidarity etc.,—may prevent them from achieving anything beneficial to the people." (*Ibid.*, pp. 249-50).

(3) The Federal Legislature was to be bicameral, consisting of the Federal Assembly and the Council of State. The Federal Assembly was to have a life of 5 years from the date of its first meeting. On the expiry of that period, it was to be automatically dissolved. However, the Governor-General was given the power to extend its life. The Council of State was to be a permanent body of which one-third members were to retire after every 3 years. The members from the States were to be nominated by the rulers. The representatives from British India were to be elected. The Hindu, Muslim and Sikh members were to be elected on cummunal lines.

While the members of Council of State were to be directly elected, those of Federal Assembly were to be indirectly elected. To quote Chintamani and Masani, "If indirect election to the popular house of the Federal Legislature is both unprecedented and objec-

tionable what is to be said of direct election to the less important upper Chamber ?....The system of election devised for the Federal Assembly should have been adopted for the Council of State, minus the abomination of the separate communal device....But no, the genius of the deciding authority thought to present India with a scheme which is a combination of the drawbacks of different systems, as a punishment for India's impudence in asking for responsible government instead of being content to sing Hallelujahs and Te-Deums to the British bureaucracy and plutocracy.

According to Palande, "The Council of State was bound to be an assemblage of vested interests, reactionary oligarchs, and conservative politicians. The franchise for its election was to be exceptionally high : 40 per cent of its membership would be constituted by States' nominess. Besides it was to be a permanent body and, therefore, was not to be subject to that wholesome cleansing which is periodically brought about by a dissolution and general election. The abnormally long term of nine years for its members was to breed irresponsibility and defiance in the legislators. Upon this narrow based upper chamber the Act of 1935 conferred a power which in a democratic polity is an exclusive privilege of the lower chamber. The voting of grants of expenditure was denied to the Council of State by the Act of 1919. But the federal counterpart of that chamber was to be possessed of that privilege. In short, everything seems to have been conspired to make the upper chamber a strong instrument for checking the advance of democracy".

(4) The powers of the Indian Legislatures were severely restricted. There were certain subjects on which neither the Federal Legislature nor the Provincial Legislatures could legislate. The Indian Legislatures were debarred from making any law affecting the Sovereign or the Royal Family or the succession to the throne or suzerainty of the Crown or any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or of the law of Prize Courts. The Indian Legislatures could not make any law amending any of the provisions of the Act of 1935, or any Order-in-Council made under it, or any rules made thereunder by the Secretary of State or by the Governor-General or a Governor in his discretion or in the exercise of his individual judgment. They could not make any law affecting the prerogative right of the Crown to grant special leave to appeal to the Privy Council except in so far as that was expressly permitted by the Act. They could not pass any legislation which discriminated against the British interests in commercial and other spheres. Moreover, there was a large number of subjects of vital importance on which initiation of legislation required previous sanction of the Governor-General in respect of Federal Legislation, of the Governor-General and the Governor in respect of Provincial legislation.

There were many non-votable items in the budget over which the Federal Legislature was given absolutely no control. These non-votable items constituted about 80% of the Federal budget. If any item of the budget was rejected by the Federal Assembly, the same could be put before the Council of State if the Governor-General so direct-

ed. If the two Houses of the Federal Legislature differed with respect to any demand, the Governor-General was required to summon a joint sitting for voting on that demand and the decision of the majority was to prevail.

The Governor-General was empowered to summon a joint sitting of the two Houses of the Federal Legislature when a Bill passed by one Chamber was rejected by the other, or was amended in a form to which the first Chamber was not agreeable. After a Bill was passed by both the Chambers of the Federal Legislature, the Governor-General, in his discretion, might assent to it, or veto it or send it back for reconsideration or reserve it for His Majesty's consideration. The Act assented to by the Governor-General could be disallowed within a year by the King-in-Council.

(5) The Act provided for the establishment of a Federal Court with jurisdiction over the States and the Provinces. The Court was to consist of a Chief Justice and two puisne judges. It was given both original and appellate powers. It was the duty of the Federal Court to interpret the constitution and to see that the provinces and the Federal Council acted only within those spheres which were reserved for them by the constitution. However, the last word in this matter was to be said by the Privy Council sitting in London.

(6) The Act of 1935 abolished the India Council of the Secretary of State. The Secretary of State was given advisers who may or may not be consulted, or whose advice may or may not be followed, except in regard to their advice in respect of the services. This change was made because there was a lot of agitation in India against the continuation of India Council on account of its anti-Indian attitude.

(7) In the exercise of powers in their individual judgment and in their discretion, the Governors, through the Governor-General, and the Governor-General himself, were made strictly responsible to the Secretary of State. However, it is to be noted that the control of the Home Government over Indian affairs was lessened. This was partly due to the introduction of provincial autonomy in the provinces and responsible Government at the Centre. There was no control from London when the Governor-General and the Governors acted according to the advice and consent of their ministers.

(8) Another important feature of the Act was the provision of elaborate safeguards. These safeguards were vital subtractions from the principle of responsible Government as well as of self-government. These safeguards were of two kinds. In the first place, there was a denial of legislative powers to the Indian Legislatures in regard to a large number of subjects. Secondly, there was the grant of powers to the Governor-General or the Governors to override their ministers and legislators in certain circumstances including the assumption of absolute dictatorial powers in the event of the breakdown of the constitution. Critics pointed out that the provisions of the safeguards were against the territorial integrity of the country. In the words of Dr. Keith, "With the safeguarding of

minorities, the essence of responsible Government is seriously, if not fully, compromised."

(9) The constitution of 1935 was rigid. The British Government alone was given the authority to amend the constitution. According to S. M. Bose, "The Indian Legislatures have only been given powers to express by resolution to His Majesty's Government their intention of a constitutional change in respect of the matters specified in this section. But the actual powers of modifying the Act has been placed by the Act in the hands of His Majesty's Government by the Order-in-Council laid in draft before both Houses as provided in Section 309. In other words, no amending legislation by the Parliament will be required. In respect of those other matters specifically mentioned in the Act, variations may be made by Order-in-Council.

(10) But the most important characteristic of the Act of 1935 was the provision of provincial autonomy. This was in accordance with the August Declaration of 1917. The Act of 1919 had given a little control in the provincial field into the hands of the Indian ministers. The Act of 1935 was a definite improvement on the Act of 1919 inasmuch as there were no reserved subjects with the Governor. However, this does not mean that the Act of 1935 established full-fledged responsible government in the provinces. That could not be so on account of the fact that the Governor was given many powers which he was to exercise in his discretion and in his individual judgment.

The Home Government.

The Office of the Secretary of State for India was created by the Act of 1858 when the Board of Control and the Court of Directors were abolished after the Mutiny. The latter was a member of the British Parliament and also a member of the British Cabinet. Up to 1919, he was paid out of the Indian revenues but the Act of 1919 provided that in future he was to be paid from the British Treasury. He was assisted in his work by a Parliamentary Under Secretary, a Permanent Under Secretary, an Advisory Body and the India Office.

Under the Act of 1919, the Secretary of State enjoyed numerous powers. He was authorised to superintend, direct and control the affairs of the Government of India. Both the Governor-General and Governors were required to pay due obedience to his orders. The Act of 1935 changed the position to a considerable extent. It granted what is known as provincial autonomy. As the Indian ministers came to have a lot of control over provincial administration, the control of the Secretary of State diminished over the provinces. Likewise, the establishment of dyarchy at the Centre by the Act of 1935 also lessened the control of the Secretary of State over the Government of India. The control of the Secretary of State came in only when the Governors or the Governor-General acted in their discretion. Similarly, when the Governors and the Governor-General acted in their individual judgment and decided to do things against the advice of the ministers, the control of the Secretary of State

appeared again. As the discretionary powers of the Governor-General and Governors were very large, the control of the Secretary of State also remained substantial. The Secretary of State exercised control over the Reserved Departments of Defence, External Affairs, Tribal Areas, and Ecclesiastical affairs, and the Federal Railway Authority, and the Reserve Bank of India. He could control the whole administrative machinery of India by giving appropriate directions to the Central and provincial administrations.

He had many powers with regard to the services. He appointed officers belonging to the Indian Civil Service, Indian Police Service and the Irrigation Service. He determined the conditions of service of all such persons. He was the constitutional adviser of the Crown with regard to the Indian affairs. He advised the King in the exercise of all his powers of appointment and the vetoing of any Bill which may have been reserved by the Governor-General for the consideration of His Majesty or which may have been even assented to by the Governor-General.

The Secretary of State was required to submit all the draft Instruments of Instructions to be issued to the Governor-General and the Governors, before Parliament for its approval. He was also to submit before Parliament all Orders-in-Council to be issued by His Majesty under the powers granted by the Act. He was the agent of Parliament and was also responsible to Parliament for the Indian affairs. It was his duty to supply the British Parliament with all information regarding Indian affairs and also to answer all questions regarding the same.

Prof. K.T. Shah described the position of the Secretary of State in these words : "On a general review of all these varied and substantial powers, the Secretary of State still stands out unmistakably as the most dominating authority in the Indian Constitution. His powers may not be so imposing in appearance as those of the Governor-General or the Provincial Governors. But these are merely his creatures, obedient to every nod from the Jupiter of Whitehall, amenable to every hint from this juggler of Charles Street. His powers extend not merely to matters of fundamental policy ; to the protection of British vested interests ; to the safeguarding of Britain's imperial domination. They comprise even matter of routine administration, the more important doings of the Indian Legislature, and even the appointments, payment or superannuation of certain officers in the various Indian Services or Governments. He has, in fact, all the powers and authority in the governance of India, with little or none of its responsibility."

Advisers. The Secretary of State was assisted by an Advisory Body. This Advisory Body was formerly known as the India Council and was set up by the Act of 1858 to assist the Secretary of State for India in the discharge of his duties. Under the Act of 1917, the India Council consisted of not less than 8 and not more than 12 members, appointed by the Secretary of State. The Secretary of State-in-Council was a corporate body which would sue and be sued and conducted business in the United Kingdom in relation to the Government of India. Ordinarily, the Secretary of State was not

bound by the advice of the India Council, but in matters relating to grants from the revenues of India, making of contracts, and rules and regulations connected with the Civil Service he was bound by the majority view of the India Council.

The India Council was abolished by the Act of 1935. According to the new Act, the Secretary of State was to appoint not less than 3 and not more than 6 advisers. At least half of these persons were to be those who had held office in India for at least 10 years and who had not left India for more than 2 years at the time of their appointment. They were to hold office for 5 years only. They could not sit in Parliament. Their function was merely advisory and as a rule the Secretary of State was required to secure the concurrence of at least one-half of the advisers. The Act provided that "it shall be in the discretion of the Secretary of State whether or not he consults his advisers on any matter, and if so, whether he consults them individually and whether or not he acts in accordance with any advice given to him by them."

High Commissioner for India. The Government of India Act 1919 provided for the appointment of a High Commissioner for India in the United Kingdom His pay, pension, powers, duties and conditions of employment were to be determined by an Order-in-Council. The office of the High Commissioner was created in 1920 by an Order-in-Council. The Governor-General-in-Council was authorised to appoint from time to time a High Commissioner and also remove or suspend the same. He was to hold office for five years and was eligible for re-appointment. His salary of £3,000 was to be paid out of the Indian revenues, although he was not entitled to any pension. He was to enjoy "the same status as his Dominion colleagues." He was to be under the control and direction of the Governor-General-in-Council. His duties were to act as the agent of the Governor-General-in-Council in the United Kingdom, act on behalf of the local governments in India for such purposes, and in such cases as the Governor-General-in-Council may prescribe, and conduct such business relating to the Government of India hitherto conducted in the office of the Secretary of State-in-Council as may be assigned by the Secretary of State. He was empowered to make and sign contracts in the name and on behalf of the Secretary of State-in-Council. In 1920, the Stores Department, the Indian Students Department and certain other minor matters were transferred to the High Commissioner. He was to arrange for the probationary training of the officers of the All-India Services and their passage to India, payment of leave-allowances and pensions. He was to make arrangements for civil officers sent to Europe for special study. He was to supervise the work of the Indians participating in Imperial International Exhibitions. The Act of 1935 did not make any substantial change in the office of the High Commissioner for India.

Federal Government. Under the Act of 1935, the Governor-General was the corner-stone of the entire constitution of India. It was he who gave unity and direction to its various, diverse and often conflicting elements. It was he who was expected to keep the ship

of the State on an even keel and to protect the British vested interests in India. It is desirable to discuss his position under the Act of 1935.

Appointed by the King on the advice of the British Prime Minister, the Governor-General acted in three different capacities. Ordinarily, he was to act according to the advice of the Council of Ministers. When he did that, he acted as a constitutional head like the King of England or the Governor-General of Canada. But he did not always act according to the advice of the ministers. In certain cases, he acted in *his individual judgment*. While doing so, he was to consult his ministers, but may not act upon their advice. This he did when he performed the special responsibilities of the Governor-General. The following were the special responsibilities of the Governor-General :—

(1) Safeguarding the financial stability and the credit of India.

(2) The prevention of any grave menace to the peace or tranquillity of India or any part of India.

(3) Safeguarding of the legitimate interests of the minorities.

(4) Safeguarding of the legitimate rights of the public servants and their dependents.

(5) The prevention of commercial discrimination.

(6) Prevention of discriminatory taxation against goods of British origin or Burmese origin.

(7) Safeguarding of the interests of the Indian States and the dignity of their rulers.

(8) The securing of the due discharge of his discretionary powers.

While acting *in his discretion*, the Governor-General did not even consult the ministers. He acted in his discretion in the following matters :—

(1) He was in charge of the reserved departments of Defence, External Affairs, Ecclesiastical Affairs[1] and Tribal Areas and he appointed three Counsellors to help him in his work.

(2) He could appoint and dismiss the Council of Ministers and also could preside over their meetings.

(3) He could issue two kinds of ordinances. One type of ordinance he could issue at any time and that lasted for 6 months. The other kind of ordinance was issued when the legislature was not sitting. The Governor-General was also given the power to issue what were known as Governor-General's Acts. But these Acts had to be forwarded to the Secretary of State.

(4) The previous sanction of the Governor-General was required for the introduction of certain bills in the Federal Legislature and the Provincial Legislatures. He was authorised to stop the discussion of any Bill at any time by the Legislature. He could

1. According to C.Y. Chintamani, "The very existence of the Ecclesiastical Department is a source of genuine grievance to the Indian, both as citizen and tax-payer. In the first place there ought to be no such thing as an established church. In the second place, India is not a Christian country...."

withhold his assent to a Bill passed by the Legislature or send the same back for reconsideration or reserve the same for the consideration of His Majesty.

(5) He was given control over about 80% of the Federal Budget. The non-votable items of the budget formed a major part of the budget.

(6) The Governor-General could in his discretion send any instructions to the Governors and it was the special responsibility of the latter to carry them out.

(7) The Governor-General could suspend the Constitution.

(8) He was given the authority to summon prorogue or dissolve the Federal Assembly. He could summon both Houses for a joint sitting. He could address the Legislature or send messages regarding a certain bill.

It is not possible to exhaust the discretionary powers given to the Governor-General under the Act of 1935.

Under the Act of 1935, the Governor-General was to be assisted by a Council of Ministers. Their position has already been discussed above.

As regards the Federal Legislature, its composition and powers have been discussed above.

Government of the Provinces. The position of the Governor under Act of 1935 resembled that of the Governor-General although it differed a little on account of the introduction of Provincial Autonomy. A Governor was appointed by the King by a Commission under the Royal Sign Manual. His office was constituted by Letters Patent. His salary was fixed by the Act. The job of a Governor was the prize post which usually went to those members of the Indian Civil Services who had brilliant record of service.

Like the Governor-General, the Governors also acted in three different capacities. Ordinarily, they were to act according to the advice of the ministers. When they did so, they acted as constitutional heads and their position could be compared to the Lt. Governor of a Canadian Province.

They were also authorised to act in their *individual judgment*. While doing so, they had to listen to the advice of the ministers but they may or may not act upon their advice. The Governors acted in individual judgment while performing their special responsibilities which were as follows :—

(1) Prevention of any grave menace to the peace and tranquillity of the Province or any part of the Province.

(2) Safeguarding of the rights and legitimate interests of the public servants and their dependents.

(3) Safeguarding of the rights and interests of the Indian States and the dignity of their rulers.

(4) Safeguarding of the legitimate interests of the minorities.

(5) Administration of partially-excluded areas.

(6) Prevention of commercial discrimination against Englishmen and their goods.

(7) Execution of the orders and directions of the Governor-General issued by him in his discretion.

(8) It was the duty of the Governor of C.P. to see that a reasonable share of the provincial revenues was spent for the benefit of the people of Berar.

(9) It was the duty of the Governor of Sind to secure the proper administration of the Lloyd Barrage and Canal's Scheme.

The Governors acted *in their discretion* in the following cases :—

(1) They could appoint and dismiss ministers. This power was very substantial. In the case of Bengal and the North-West Frontier Province, the power was used by the Governors to exclude a certain party and keep the other party in power.

They presided over the meetings of the Council of Ministers. By doing so, they could influence the deliberations and conclusions of the ministers. Their great administrative experience must have been an asset to them.

(2) They could issue two kinds of ordinances. One kind of ordinance could be issued by them at any time and that lasted for six months. The other type of ordinance was issued only when the Legislature was not sitting. They could issue what were known as Governor's Acts. In certain cases, their previous sanction was required for the introduction of certain bills in the Provincial Legislature. They could stop the discussion of any bill in the Legislature at any time. Even when the Bill was passed, the Governors could veto the same or send the same back for reconsideration by the Legislature. They could reserve the same bill for the assent of the Governor-General.

(3) They appointed members of the Provincial Public Service Commission. They were given large powers regarding the Police Force and also the authority to suppress terrorists.

(4) It is the Governors who decided what items of expenditure were to be regarded as "expenditure charged upon revenues of the province." These items were taken out of the control of the Legislature. The non-votable items formed about 40% of the budget. If the whole or any part of the budget was rejected, Governors were authorised to restore the same.

(5) Under Section 93 of the Act, the Governors were given the authority to suspend the Constitution and take over the administration in their own hands.

It is to be noted that under the Act of 1935, the Governors enjoyed substantial powers. The powers given to them were not merely kept in theory. They were intended to be exercised and were actually exercised. However, the extent to which these powers were exercised depended upon the character of the individual Governor and also the position and prestige enjoyed by the Provincial Ministry.

Provincial Ministers. The position of the Provincial ministers under the Act of 1935 was certainly superior to that of the ministers under the Act of 1919. There were no reserved departments. All the departments were to be under the charge of the ministers. The Governor was expected to carry on the administration of the province according to the advice of the Ministers.

It was laid down in the Instrument of Instructions that the Governor was to summon that person to form the Ministry who could be expected to command a majority in the provincial Legislature. The other ministers were to be appointed by the Governor on the advice of the Chief Minister. It was the duty of the Governor to see that minorities were given representation in the Ministry. If a person was not a member of the Legislature at the time of his appointment, he was to get himself elected within six months of his appointment. The Governors were instructed to encourage collective responsibility amongst the ministers. They were allowed to preside over the meetings of the Council of Ministers.

However, it is to be noted that the powers of the minister were limited. They did not enjoy complete autonomy in the provincial field. The enormous powers of the Governor were responsible for the weakness of the position of the ministers. The Governor had many legislative powers and it is these powers which restricted the legislative control of the ministers. The Governor may not allow a particular bill to be introduced in the legislature. He may veto a bill which had been passed by the Legislature on the initiative of the ministry. He may stop the discussion of the bill at any time. The issuing of ordinances and the Governor's Acts also limited the legislative scope of the ministers. The same could be said about finance. The ministers were not given a free hand in the matter of proposing new taxes. The Governor may not give his sanction to a bill for that purpose. The ministers had not complete control over the budget, 40% of which was non-votable.

The Governors could dismiss their ministers and this was actually done in many cases. Fazl-ul-Haq, the Chief Minister of Bengal, was unceremoniously dismissed by the Governor in 1943. Alla Bux, the Chief Minister of Sind, was dismissed because he gave up the title of Khan Bahadur. The Governor of the Punjab dismissed Shaukat Hayat Khan.

Different views were expressed regarding the position of ministers under the Act of 1935. According to Lord Zetland, "Let it not be supposed that the field of government is to be divided into two parts, in which the Governor and the ministry operate separately at the risk of clashes between them. The essence of the new Constitution is that the initiative and responsibility for the whole of the government of province, though in form vesting in the governor, passes to the ministry as soon as it takes office." According to Sir Maurice Hallet, the Governor of U.P., "After all, the relations of a Governor with his Ministers were not those of a master and his servant ; rather they are partners in a common enterprise—the good Government of the province." However, it is to be noted that the actual position of the Ministry depended upon its party strength

in the Legislature and the personality of the members who constituted the Ministry. In the last analysis, much depended upon the personal equation.

Provincial Legislatures. The Government of India Act, 1935, did not set up provincial legislatures of a uniform pattern. The six provinces of Assam, Bengal, Bihar, U.P., Madras and Bombay were given two Chambers each while the legislatures of the Punjab, Sind, North-Western Frontier Province, Orissa and C. P. had only one Chamber. Where there were two Houses, their names were the Provincial Legislative Assembly and the Provincial Legislative Council. Where there was only one House, it was merely the Provincial Legislative Assembly. While all the members of Assembly were elected, some of the members of the Council were nominated.

Legislative Assembly. The size of the Provincial Assemblies varied from province to province. It was 215 for Madras, 175 for Bombay and Punjab, 250 for Bengal, 228 for U. P., 152 for Bihar, 112 for C. P. and Berar, 108 for Assam, 50 for North-Western Province and 60 each for Orissa and Sind. The seats in the various provinces were distributed according to the Communal Award as amended by the Poona Pact. Some seats were known as general seats out of which some were reserved for the scheduled castes. Separate representation on communal lines was given to the Muslims, Sikhs, Anglo-Indians, Europeans and the Indian Christians. Some seats were reserved for commerce, industry, mining and planting, land-holders, labour and universities. Out of the seats exclusively reserved for women, some were given to the Hindus and the others to the Muslims, Sikhs, Anglo-Indians and Indian Christians. In the case of the Punjab, 42 were general seats, 31 seats were given to the Sikhs, 84 to the Muslims, one each to the Anglo-Indians and Europeans, 2 to Indian Christians, one to commerce, industry and planting, 5 to the land-holders, one to the Punjab University, 3 to labour, one each to Hindu and Sikh women and 2 to Muslim women. The Europeans in Bengal were given the highest representation, *i.e.*, 11. The land-holders both in U.P. and Madras got 6 seats each. 90 seats were given in Bengal to commerce, industry, mining and planting. In Bengal, out of a total representation of 78 seats given to the Hindus, 30 seats were reserved for the scheduled castes. The life of the Assembly was fixed at five years but the same could be dissolved earlier. Its life could also be extended beyond the period of 5 years. The first general elections under the Act of 1935 were held in 1937 and the next elections were held not earlier than 1945.

Legislative Council. Legislative Councils were provided for only in six provinces. The maximum number of seats for a Provincial Legislative Council was 56 in Madras, 30 in Bombay, 65 in Bengal, 60 in U.P., 30 in Bihar and 22 in Assam. Out of a total of 56 seats in Madras, 10 seats were filled by the Governor through nomination. The general seats for Madras, Bombay, Bengal, U.P., Bihar and Assam were 35, 20, 10, 34, 9 and 10 respectively Mohammedans had 17 seats each in Bihar and U.P., 27 and 12 seats respectively in Bengal and Bihar Legislative Councils were filled by the Legislative Assemblies of those provinces. Some seats were reserved for Europeans and

Indian Christians, *e.g.*, three for Europeans in Bengal and three for Indian Christians in Madras.

The Provincial Legislative Council was a permanent body. The tenure of office of the members was nine years, but one-third of them had to retire after every three years.

The age qualification for membership of the Provincial Legislative Assembly was fixed at 25 and 30 for the Provincial Legislative Council. No person could become a member of both the Houses of the Legislature. Residence in the constituency for a certain number of days, usually, 180 or 120, was necessary for franchise. The voting qualifications varied from province to province. In the case of the Punjab, the right of voting was given to those who paid income tax or a direct municipal tax amounting to not less than Rs. 50 per year, those who paid land revenue amounting to not less than Rs. 5 per year, those who owned or occupied immovable property of the rental value of not less than Rs. 60 per year and those who possessed educational qualifications up to the primary standard. Right of voting was given to those women who possessed property qualifications in their own right, who were the wives or widows of persons with property qualifications, who were the wives of men with military service, who were the pensioned widows and mothers of those who served in the Indian Army or who had educational qualifications. The Joint Select Committee made the following observations about the new franchise : "We are satisfied on the information before us that the proposals taken as a whole are calculated to produce an electorate representative of the general mass of the population and one which will not deprive any important section of the community of the means of giving expression to its opinions and desires. The proposals will in the case of most provinces redress the balance between town and country, which is at the present time too heavily weighted in favour of urban areas ; they will secure a representation for women, for the depressed classes, for industrial labour and for special interests and they will enfranchise the great bulk of the small land-holders, of the small cultivators, of the urban rate payers, as well as a substantial section of the poorer classes".

Powers of Provincial Legislatures. The Provincial Legislatures were authorised to pass laws on the subjects given in the Provincial List and Concurrent List. In the latter case, their powers were concurrent with the Federal Legislature. In case the Federal Legislature made a law on a subject included in the Concurrent List, the Federal Law had precedence over the Provincial Law. The powers of the Legislature also extended to those residuary subjects which were assigned to it by the Governor-General in his discretion. The Provincial List included subjects, such as public order, the administration of justice, the constitution and organization of all courts except the Federal Court of India, preventive detention, police, prisons, reformatories, borstal institutions, public debt of the province, Provincial Public Services and Provincial Public Service Commissions, Provincial Pensions, compulsory acquisition of land, elections to the Provincial Legislature, salaries of Provincial Ministers, Speakers and Deputy Speakers, salaries, allowances and privileges

of the members of the Provincial Legislature, local self-government, public health and sanitation, hospitals and dispensaries, education, roads, bridges, ferries, water-supply, irrigation and canals, agriculture, forests, fisheries, taxes on agricultural income, etc.

The Concurrent list included subjects like criminal law and criminal procedure, civil procedure, marriage and divorce, wills, intestacy and succession, registration and deeds and documents, trusts and trustees, contracts, bankruptcy and insolvency, legal, medical, and other professions, newspapers, books and printing presses, boilers, criminal tribes, factories, welfare of labour, unemployment insurance, old age pensions, trade unions, industrial and labour disputes, electricity, etc.

It might appear from above that the powers of the Provincial Legislatures were very extensive. However, a critical study of the Government of India Act, 1935, shows that innumerable restrictions were put on them. Thus, the legislatures did not enjoy complete control over legislation. The previous sanction not only of the Governor but also of the Governor-General was required in certain cases even to introduce a bill in the Provincial Legislature. Even if that hurdle was crossed, the Governor could stop the discussion on a bill at any stage. Even if the bill was passed by the Legislature, the Governor could veto it in his discretion or reserve the same for the approval of the Governor-General. The Governor was also given the power of issuing ordinances and enacting what were known as the Governor's Acts. Even in the financial field, the powers of the Provincial Legislatures were limited. About 50% of the provincial budget was not under their control. That was a charge on the revenues of the province. The British Parliament retained the right to make any law relating to any province. His Majesty's Government could set aside any law passed by any Provincial Legislature. It is obvious that the limitations imposed on the Provincial Legislatures impaired considerably the nature of provincial autonomy as established by the Government of India Act, 1935.

The Nature and Working of Provincial Autonomy. It cannot be denied that Provincial Autonomy as set up by the Act of 1935 was a definite improvement on the system set up by the Act of 1919. But it is wrong to suppose that Provincial Autonomy was intended to establish a full-fledged responsible Government in the Provinces. Had that been the intention, the authors of the Act of 1935 would have stated the same in so many words. There was no necessity for coining a new term. The truth is that the British Government did not intend to give full responsible Government in the provinces. It is clear from the large number of discretionary powers given to the Governors. The same intention becomes evident when we consider the nature and extent of the special responsibilities of the Governors. If the Governor was expected to play the role of the guardian of the British interests and the other vested interests, that was bound to affect adversely the position of the Ministers. A study of the various statements made by the persons who were intimately connected with the framing and passing of the Act of 1935, shows that Provincial Autonomy was expected to work under many restrictions.

According to Lord Zetland, who was the Secretary of State for India in 1937, "The Parliament of this country reserved to itself a potential measure of control in a certain limited and clearly defined sphere the special responsibilities of the Governors Since the Governors, when acting in respect of special responsibilities, were responsible both for acts of commission and omission, to the Parliament of this country, he would naturally be prepared to answer any question bearing upon the discharged by the Governors of their duties within their sphere". This clearly points out to the limitations of Provincial autonomy.

On the occasion of the second Round Table Conference, Ramsay MacDonald remarked thus : "We are all agreed that the Governors' Provinces of the future are to be responsibly governed units, enjoying the greatest possible measure of control from outside interference and dictation in carrying out their policies in their own sphere".

According to the Report of the Joint Select Committee, Provincial autonomy is a scheme "whereby each of the Governors' Provinces will possess an Executive and Legislature....broadly free from control by the Central Government and a Legislature. This we conceive to be the essence of Provincial Autonomy, though no doubt there is room for wide differences of opinion with regard to the manner in which that exclusive authority is to be exercised....the Central Government and Legislature would, generally speaking, cease to possess in the Governors' Provinces any legal power or authority with respect to any matter falling within the exclusive provincial sphere, though, as we shall explain later, the Governor's authority to secure compliance in certain respects with directions which he may find it necessary to give".

It is rightly stated that there is a world of difference between the real significance of the word "Autonomy" and the so-called "Autonomy" as given by the British Parliament to India. "Provincial Autonomy is a mere force and far from a living reality." "The Provincial Autonomy, according to the Government of India Act, is merely a sham".

Defects of the Act. (1) It seems desirable to refer to the important points of criticism levelled against the Act of 1935. According to Pandit Nehru, the new Indian constitution was a "machine with strong brakes and no engine." According to another critic, "The India Act of 1935 tests to the full Indian capacity for administration and government exactly as a man's capacity with hands and feet tied. To call the new Indian constitution an edifice of self-government is a grim joke which the joker may enjoy, but not those at whose expense it is cracked." "Remember, the new Federal structure has got to be fought tooth and nail. It is difficult to find suitable language to characterise this. *It is disgusting, poisoning and offensive.*" According to Pandit M. M. Malviya, "The new Act has been thrusted upon us. It has a somewhat democratic appearance outwardly, but it is absolutely hollow from inside." According to Sir Shanmukham Chetty. "It is indeed a far cry between the

Government of India Act and Dominion Status." According to C. Rajagopalachariar, "The new constitution is worse than dyarchy." According to M. A. Jinnah, the scheme of 1935 was "thoroughly rotten, fundamentally bad and totally unacceptable." Dr. Keith denounced the proposed Federation as "bastard Federalism." According to C.Y. Chintamani, "I venture to describe the Government of India Act, 1935, as the anti-India Act....I feel with some bitterness that the Government of India at least in these matters may not incorrectly or unjustly be described as the Government 'against' India".

(2) The Indians were not given control over the government of their country. They could not change or amend their constitution. The Whitehall framed the policy which was followed by the Government of India. The Indians detested the control from London.

(3) The Indians detested the dyarchical form of Government at the Centre. It was pointed out that the evils of dyarchy which were found in the provinces under the Act of 1891 were bound to be repeated at the Centre also.

(4) The inauguration of the All-India Federation depended upon the condition that a specified number of States joined the Federation. However, the Act gave the Indian States the choice to join or not to join the Federation. This was a serious drawback.

(5) The Indian States were given a privileged position under the constitution. The representation given to them both in the Council of State and the Federal Assembly was more than what was due to them on the basis of their territory, population or the contributions to be made by them to the revenues of the Federal Government. While the members from British India were to be elected by the people, the Indian princes were allowed to nominate their quota. The critics pointed out that as the Indian princes were absolutely under the control of the Political Department of the Government of India and did what they were directed to do, the representatives from the Indian States were to be under the control of the British Government. They dare not vote against their masters. The nominees from the Indian States could be used by the British Government in India to serve their own interests and stop the progress of the country.

(6) The Indians protested against the system of indirect elections to the Federal Assembly. It was contended that indirect elections were against the very canons of democracy. They were against the spirit of the times.

(7) The Indians protested against the control which was to be exercised by the Secretary of State for India over the Indian Civil Service, the Indian Police Service and other All-India Services.

(8) The Indian Army got the lion's share out of the Indian budget but the Indians were given absolutely no control over it as Defence was made a reserved subject. The Indians also protested against the pace at which the Indianisation of the Army was going on.

(9) The seats in the Legislature were to be filled on the basis of the Communal Award. The result was that the constitution became communalism-ridden. The Communal Award cut at the very root of Indian nationalism and solidarity and was consequently the most dangerous. It was pointed out that longer the period for which the Communal Award worked, the greater will be the difficulty in keeping the unity of the country.

(10) According to Sir Shanmukham Chetty, "It is indeed a far cry between the Government Act and Dominion Status. The principle of Dominion Status asserts that the Dominion should have the right to the same measure of autonomy in external affairs as in internal matters and that it is the duty of the British Government to give effect to the doctrine accepted. But India has neither control in the internal nor in the external affairs. The internal administration shall be under the guidance of the Governor-General and the Governors who are vested with tremendous powers ; the external affairs shall be under the guidance of Parliament, the Crown and the Secretary of State. Indians shall not be able to work out their own destiny. The safeguard, reservations, special powers of the Governor-General and the Governors, the weakness of the Indian Legislatures, and the ministers in the Federal and the Provincial Governments with no Central responsibility and weak provincial autonomy, the Communal Award, the States' representation bought at the expense of British Indians, the financial and other economic drawbacks, half measures of the Indianisation of the Army with no control over the Defence—all these things show that Indians shall not be having Dominion Status."

(11) According to Sir Shafat Ahmed Khan, "Though a number of important subjects have been transferred and placed in charge of ministers who are to be responsible to the Federal Legislature, they are elaborately fenced round by safeguards and other ingenious devices that it will be difficult for a minister to move freely and safely through this labyrinth and formulate a policy that will offer opportunities for the free and unhampered exercise of our national ability and energy. Ministers can be checked and controlled at almost every turn and their cherished plans might be thwarted by....a stubborn counsellor or a financial adviser steeped in theory and vanity. The special responsibility of the Governor-General will pervade every Department of Government and no subject will be free from it. It is not a special Department concerned exclusively with the legislation or administration of a specific subject, but a power or faculty whereby the Governor-General is empowered to put his fiat on any matter which trenches either directly or indirectly upon his authority as specified in the Act." Again, "the Legislature is so curiously composed and its procedure is so ingeniously contrived that it will find it difficult to function freely and independently. It will be destitute of organic unity, will let the momentum of a common allegiance and national solidarity, and may resolve itself into congeries of inconsistent and even destructive sections lacking the rudiments of leadership and team work, and exhibiting all the characteristic features of the Federal Parliament

of Austria-Hungary before the war. It will not be a National Assembly but a Confederation of Indian States and Provinces, a miniature League of Nations."

(12) According to Fazl-ul-Huq, Premier of Bengal, under the Act of 1935, there was to be neither Hindu Raj nor Muslim Raj but the British Raj. (*The Indian Annual Register, 1937*, Vol. 2, p. 411).

(13) Commenting on the Government of India Bill, 1935, Mr. Attlee remarked thus : "The keynote of the Bill is mistrust." The Indian National Congress condemned the federal scheme on many grounds. It was pointed out that the scheme did not envisage any real transfer of power into the hands of the Indians. Moreover, the Federal Legislature was saddled with an element of conservatism in the form of the nominated representatives of the States. It was contended that the constitutional advancement of India would always be vetoed by the Indian States. According to Dr. Keith, "For the federal scheme it is difficult to feel any satisfaction. The units of which it is composed are too disparate to be joined suitably together, and it is too obvious that on the British side the scheme is favoured in order to provide an element of pure conservatism in order to combat any dangerous elements of democracy contributed by British India. On the side of the rulers it is patent that their essential pre-occupation is with the effort to secure immunity from pressure in regard to the improvement of the internal administration of their States. Particularly unsatisfactory is the effort made to obtain a definition of paramountcy which would acknowledge the right of the ruler to mis-govern his State, assured of British support to put down any resistance to his regime. It is difficult to deny the justice of the contention in India that *federation was largely cooked by the desire to evade the issue of extending responsible government to the Central Government of British India.* Moreover, the withholding of defence and external affairs from federal control, inevitable as the course is, renders the alleged concession of responsibility all but meaningless. Further, it is impossible to intervene in discussions of issues in which the provinces are alone concerned, their action will be justly resented by the representatives of British India, while, if they do not, there may arise the spectacle of a government which when the States intervene has a majority, only to fall into a minority when they abstain. Whether a federation built on incoherent lines can operate successfully is wholly a matter of conjacture ; if it does, it will probably be due to the virtual disappearance of responsibility and the assertion of the Governor-General backed by the conservative elements of the States of British India".

(14) The rulers of the Indian States criticised the federal scheme on the ground that it did not give them any power or authority to leave the federation if once they joined it. The federation had great power of coercing them. The representatives from British India were bound to dominate the Federal Legislature and Federal Executive and thereby influence the Viceroy to take steps which might impair their sovereignty.

(15) The discretionary powers of the Governors reduced provincial autonomy to a farce. Those powers and responsibilities

"combine, crib and confine" the powers of the provincial legislature and executive. Some of these powers and responsibilities were so vaguely defined that those could be interpreted to mean anything according to the exigencies of the movement. The Governor was made the sole judge to decide whether any particular matter fell within his discretionary scheme or affected any of his special responsibilities. The Governor could become a virtual dictator of the province within the letter of the law.

(16) The powers of the Provincial Legislature were very much restricted. The upper chambers were deliberately made reactionary bodies.

Constitutional Development from 1937 to 1950. The whole of the Government of India Act, 1935 was not introduced. Only the part dealing with provincial autonomy came into force on 1st April, 1937. The Congress took part in the elections and got a clear majority in six provinces. Later on, the number increased to 7. There was a deadlock to begin with but very soon the Congress ministers were formed. They remained in office till 1939 when the World War II broke out. The Congress ministries resigned on account of differences with the British Government. Throughout the war, efforts were made by the British Government to win over the co-operation of the Indians. In 1940, the famous August Offer was made by Lord Linlithgow.

The August Offer was in the form of a statement made by the Viceroy on behalf of the British Government. The following is the summary of the so-called Offer :—

(1) Though the differences which prevented national unity remained unbridged in India, the expansion of the Executive Council of the Governor-General and the establishment of an Advisory War Council should no longer be postponed.

(2) In view of the doubts as to whether the position of minorities would be sufficiently safeguarded in any future constitutional change, the British Government reaffirmed its desire that full weight should be given to minority opinion. "It goes without saying that they could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of Government whose authority is directly denied by large and powerful elements of India's national life. Nor could they be parties to the coercion of such elements into submission to such a Government." This clearly indicated that the British Government was prepared to allow the Muslim League to have her own way in the matter of the partition of the country.

(3) Subject to the fulfilment of their obligations—an allusion to such questions as defence, minority rights, the treaties with the States, and the position of the Secretary of State Services—the British Government concurred in the Indian desire that the framing of the new constitution should be "primarily the responsibility of Indians themselves, and should originate from Indian conceptions of the social, economic and political structure of the Indian life."

(4) Constitutional issues could not be decided at "a moment when the national life is engaged in a struggle for existence," but after the war a representative Indian body should be set up to formulate new constitution, and in the meantime the British Government would welcome and assist any efforts to reach agreement as to the form and operation of this constitution-making body and as to the principles of the constitution.

(5) In the interval, the British Government hoped that all parties and communities in India would co-operate in India's war effort, and by thus working together pave the way for India's attainment of free and equal partnership in the British Commonwealth of Nations.

However, nothing came out of the August Offer on account of the attitude of the Congress. The offer was simply rejected.

Cripps Proposals (1942). The deadlock in Indian politics continued. While the British Government refused to come to terms with the Congress, the latter refused to co-operate with the former. During this period, the Second World War was proceeding. The international situation began to deteriorate. In December 1941, Japan joined the war against the U. S. A. and Great Britain. The Japanese armies advanced swiftly all over the North-East Asian countries. The tide of their conquest rolled at a tremendous pace towards Burma and India. When Singapore fell in February 1942, the security of India was threatened. Rangoon fell on March 7. Colombo was bombarded. Some bombs fell on the eastern coast of India. Calcutta was threatened and refugees began to leave that great city.

But in spite of this threatening situation, the attitude of the Indian leaders did not change. The Congress was as hostile as ever. It was not prepared to help the British against anybody. It could help only if India was given independence. The Muslim League was more concerned with the partition of India than its immediate salvation from the Japanese conquest.

In March 1942, Sir Stafford Cripps,[1] the leader of the House of Commons, came to Delhi with proposals on behalf of the British Government. The following is the text of the Draft Declaration of the British Government brought by Cripps to India :—

"(*a*) Immediately upon cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new constitution for India.

"(*b*) Provision shall be made, as set out below, for participation of Indian States in the constitution-making body.

"(*c*) His Majesty's Government undertake to accept and implement forthwith the constitution so framed subject only to :

"(*i*) The right of any province of British India that is not prepared to accept the new constitution to retain its present consti-

1. According to the *National Herald*, "The Cripps Mission was the result of American pressure. It was a stage-managed show to buy off world opinion and to foist preconceived failure on the people of India."

tutional position, provision being made for its subsequent accession if it so decides.

"With such non-acceding provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new constitution giving them the same full status as the Indian Union and arrived at by a procedure analogous to that here laid down.

"(*ii*) The signing of a treaty which shall be negotiated between His Majesty's Government and the constitution-making body. This treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands ; it will make provision, in accordance with undertakings given by His Majesty's Government, for the protection of the racial and religious minorities, but will not impose any restriction on the power of the Indian Union to decide in future its relationship to other member-States of the British Commonwealth.

"Whether or not an Indian State elects to adhere to the constitution, it will be necessary to negotiate a revision of its treaty arrangements so far as this may be required in the new situation.

"(*d*) The constitution-making body shall be composed as follows unless the leaders of Indian opinion in the principal commnnities agree upon some other form before the end of hostilities :

"Immediately upon the result being known of provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower Houses of Provincial Legislatures shall as a single electoral college proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about 1/10th of the number of the electoral college.

"Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of representatives of British India as a whole and with the same powers as British Indian members.

"(*e*) During the critical period which now faces India and until the new constitution can be framed, His Majesty's Government must inevitably bear the responsibility for and retain the control and direction of the defence of India as part of their world war effort but the task of organising to the full the military, moral and material resources of India must be the responsibility of the Government of India with the co-operation of the people of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India."

Criticism. (1) It is pointed out that the Draft Declaration was an advance on the August Offer in four respects. It conceded to the projected Indian Union the liberty to secede from the British Commonwealth. Cripps emphasized this point at the press conference.

The Indian Union was to be free to decide as to whether she was to remain within the British Commonwealth or to go out of it. (*b*) The framing of the new constitution was to rest not primarily, but solely in Indian hands. However, its acceptance was made subject to the fulfilment of British obligations. If the Indians could not become free as a single unit, they could become free as two or more units. Disagreement amongst the Indians was not to give the British Government an excuse to perpetuate their rule in India. (*c*) The August Offer had invited the Indian leaders to start discussing the principles of the new constitution and the method of framing it. The Draft Declaration proposed a plan for a constitution-making body to be adopted if no Indian plan was agreed upon before the cessation of hostilities. (*d*) The Draft Declaration went farther than the August Offer as regards the character of the interim system of Government. The Offer had provided for the inclusion of a certain number of representative Indians into the Executive Council. The Declaration invited the leaders of the principal sections of the Indian people to participate in the counsels of India, the Commonwealth and the United Nations.

(2) However, the Cripps proposals were criticised by all the interested parties in India. Each party criticised the proposals from its own point of view. The objection of the Congress was not so much to the long term arrangement as to interim arrangement. The Congress acted on the principle that one bird in hand was better than two in the bush. Cripps had given an understanding to the Congress that with the exception of the Defence Department, other departments would be completely in the hands of the Indians, and the Governor-General will act as a constitutional head. However, at a later stage, he withdrew that statement. This made the Congress suspicious regarding the honesty of the British Government. The Congress wanted the Executive Council of the Governor-General to work as a Cabinet. This the British Government was not prepared to concede.

(3) It is pointed out that objections to the composition of the post-war Constituent Assembly, settlement on the question of Pakistan on the lines suggested in the Declaration, the division of powers under Defence, etc., were not pressed. The issue which proved fatal was the *veto of Viceroy*. There were obvious objections to the Executive Council being installed as an irremovable and irresponsible body with powers of a dictator and, therefore, the veto power could not be done away with altogether, but probably it would not have been difficult to set up a convention agreeing to act in an advisory capacity in the day-to-day administration but retaining the reserve of veto power for special reasons only.

(4) The Congress was opposed to the acceptance of the novel principle of non-accession of the provinces. To them it appeared that that implied the acceptance of the principle of Pakistan which would be a severe blow to Indian unity.

(5) The Hindu Mahasabha opposed the Cripps proposals on two grounds. It was opposed to the freedom given to the provinces to leave the Indian Union and set up separate Governments of

their own. The Sabha also objected to the elections on the basis of Communal Award which was anti-national and undemocratic.

(6) According to Sir Tej Bahadur Sapru and Mr. M. R. Jayakar, "The creation of more than one Union, howsoever consistent in theory with the principle of self-determination, will be disastrous to the lasting interests of the country and its integrity and security. An effort should be made to obtain before the end of the war an inter-communal agreement for the maintenance of Indian unity on a federal basis. If that failed, and provinces should manifest overwhelming wishes in partition, then the proposed experiment might be tried, provided that no decision for non-adherence should be valid without a 65 per cent majority in the Provincial Legislature concerned."

(7) The Sikhs also opposed the provisions relating to the non-accession of the provinces. They stated that "we shall resist by all possible means the separation of the Punjab from all-India Union."

(8) The Depressed Classes denounced the proposals on the ground that the necessary safeguards were not provided for their interests.

(9) The Muslim League opposed the creation of a single Indian Union. It was feared that if one single Union was created the creation of another might become impossible. It also opposed, the syseem of election by a single electoral college by proportional representation. This was not in accordance with the system of communal representation which enabled the Muslims to send their own representatives. The League also objected to the method and procedure for the non-accession of Indian provinces. Their contention was that the provinces of India were created for administrative convenience and not on any logical basis. They demanded the redistribution of the provinces. They opposed the plebiscite by the whole of the adult population of India. They demanded the inherent right of self-determination for the Muslims alone. In short, the scheme was not acceptable to the League because Pakistan was not conceded unequivocally and the right of Muslim self-determination was denied, although the recognition given to the principle of partition was much appreciated.

(10) The scheme failed because it was to be accepted or rejected as a whole. There was no scope for any negotiation or adjustment.

(11) Critics pointed out two snags in the proposals : One was the repetition of the August Offer of 1940 and the addition of the explanation that "the present declaration is intended—not to supersede, but to clothe these general declarations with precision and to convince the people in India of the War Cabinet's sincere resolve." This created suspicion in the minds of the people. It indicated a necessity on the part of the British Government to safeguard its prestige. The second snag was that there was no indication in the proposals that the British Government was prepared to part with power.

(12) Mahatma Gandhi was not at all impressed by the proposals brought by Cripps. He is stated to have told him thus : "Why did you come if this is what you have to offer ? If this is your entire

proposal to India, I would advise you to take the next plane home." Sir Stafford's reply was : "I will consider that."

(13) A friend of Cripps remarked thus: "It is sad beyond measure that a man like Sir Stafford Cripps should allow himself to become the devil's advocate."

The Cripps mission was a failure as the Congress refused to accept the short term arrangements contained in the proposals. After its failure, there was a lot of discontentment in the country. The Congress leaders got convinced that they could not expect anything from the British Government in the near future. It was under these circumstances that the Congress passed the famous 'Quit India' Resolution on 8th August 1942. In March 1944, Rajagopalachariar put forward his formula to resolve the political deadlock in India. However, his proposals were not accepted by Mr. Jinnah. In January 1945, the Desai-Liaqat formula saw the light of the day, but nothing came out of it. On 14th June 1945, Lord Wavell, Governor-General and Viceroy of India, gave a broadcast to the people of India. After that, he called a conference of the Indian leaders to end the deadlock. His proposals were not accepted and he made a public confession of his failure.

Cabinet Mission Scheme (1946). When the Labour Party came to power in England in 1945, it ordered the holding of elections in the provinces in India. After that, the Labour Government sent the famous Cabinet Mission to India in March 1946. Prolonged discussions took place between the members of the Mission and the leaders of the Congress and the Muslim League. However, the two main parties could not come to any mutual understanding. The result was that the members of the Mission had to put forward their own formula for solving the constitutional deadlock. This formula was embodied in a joint statement issued by the Cabinet Mission and Lord Wavell on May 16, 1946.

After pointing out the impracticability of the Pakistan scheme, the statement of May 16 recommended that the new constitution of India should take the following basic form :—

"(1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects : Foreign Affairs, Defence and Communications, and should have the powers necessary to raise the finances required for the above subjects.

"(2) The Union should have an Executive and a Legislature constituted from British India and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

"(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

"(4) The States will retain all subjects and powers other than those ceded to the Union.

"(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

"(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thareafter."

As regards the constitution-making machinery, it was provided that the Legislative Assemblies of the provinces would elect the members of that body on the basis of one representative for one million of the population. The Sikh and Muslim legislators were to elect the quota of their communities, determined on the population basis. Others were to elect the representatives for the rest of the population. The representatives from the provinces were to divide themselves into three sections, A, B and C. Section C was to consist of the representatives of Bengal and Assam, Section B of the Punjab, Sind and North-West Frontier Province and Section A of the rest of the provinces of India. "These Sections shall proceed to settle the Provincial Constitution for the Provinces included in each Section, and shall also decide whether any Group Constitution shall be set up for these provinces and, if so, with what provincial subjects the Group should deal." The representatives of the Sections of the Indian States were then to re-assemble and settle the Union constitution.

TABLE OF REPRESENTATION

Section A

Province	General	Muslim	Total
Madras	45	4	49
Bombay	19	2	21
United Provinces	47	8	55
Bihar	31	5	36
Central Provinces	16	1	17
Orissa	9	0	9
TOTAL ...	167	20	187

Section B

Province	General	Muslim	Sikh	Total
Punjab ...	8	16	4	28
N. W. Frontier Province	0	3	0	3
Sindh ...	1	3	0	4
TOTAL ...	9	22	4	35

Section C

Province		General	Muslim	Total
Bengal	... ...	27	33	60
Assam	... ...	7	3	10
	TOTAL ...	34	36	70
Total for British India	...			292
Maximum for States	...			93
		TOTAL	...	385

The Provinces of India were given the power to opt out of the Groups by a decision of their Legislature after the general elections under the new Constitution.

The Resolutions of the Union Constituent Assembly regarding major communal issues were to require a majority of the representatives present and voting of each of the two major communities. The Chairman of the Constituent Assembly was to decide which resolution raised major communal issues and was to consult the Federal Court before giving his decision.

A plan for the interim Government was also envisaged in the Scheme of May 16, 1946.

The Cabinet Mission declared on May 12, 1946 that the British Government could not and would not in any circumstances transfer paramountcy to an Indian Government. However, it was made clear that when a new self-governing Government or Governments came into being in British India, it would not be possible for the British Government to carry out the obligations of paramountcy. In that case, all the rights surrendered by the States to the paramount power were to return to the Indian States. "Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or, failing this, entering into particular political arrangements with it or them." This policy has been described as "a political scorched-earth policy."

Merits. The Cabinet Mission Scheme had both its merits and demerits. (1) Its greatest merit was that the Constituent Assembly was to be constituted on the democratic principle of population strength. The principle of weightage was discarded altogether. (2) The democratic method of the decision of issues by simple majority was adopted in the case of communal issues. However, safeguards were provided for minorities. (3) The proposals also provided for an Indian Union of Provinces and States, and rejected the idea of Pakistan completely. This was the last attempt made by British statesmen to save the country from division and disaster. Some of

the anomalies of the Scheme were also due to the desire of the members of the Cabinet Mission to save Indian unity at any cost. (4) The Scheme required that all the members of the Constituent Assembly were to be Indians. Neither the British Government nor the non-official Europeans in India were to be given any representation in the Constituent Assembly. The European members of the Provincial Assemblies were to absent themselves from voting. (5) It was provided that there was to be no interference with the work of the Constituent Assembly either by the British Government or by its officials in India. Within the framework of the Scheme, the Constituent Assembly was to be its own master.

Demerits. However, there were also certain defects in the Cabinet Mission Scheme. (1) Although the rights of the Muslim minority were protected, it was not done with regard to other minorities such as the Sikhs in the Punjab. (2) The proposals of the Cabinet Mission with regard to the grouping of the provinces were not clear. Both the Congress and the Muslim League interpreted the provisions differently. The Muslims regarded the *compulsory* grouping of the provinces as one of the cornerstones of the Cabinet Mission proposals and were not prepared to come to a compromise on that question. The Congress stand was that the making of groups was *optional* for the provinces. The latter were free to join or not to join any group. As a matter of fact, Mahatma Gandhi asked the people of Assam not to join the group if they did not approve of it. They were asked not to care for the consequences. To solve this difficulty, it was suggested that the provinces might join provisionally, but later on freedom might be given to them to leave it if they so desired. The Congress suggested that the matter might be referred to the Federal Court for decision. However, the British Government gave its verdict in favour of the compulsory grouping of the provinces. The Muslim League won and the Congress lost its point. (3) Another defect of the Scheme was the order in which the Union and Sectional Assemblies were to meet and work and draft their constitutions. It looked ridiculous first to form the constitutions of the groups and the provinces and then to frame the constitution of the Union. It was like putting the cart before the horse. This practical difficulty would have been experienced if the whole scheme had been worked out in actual practice.

It is desirable to trace the events that followed the publication of the statement of May 16, 1946. The All-India Muslim League passed a resolution on June 6, 1946 by which it accepted the Scheme in its entirety. On the other hand, the Working Committee of the Congress passed a resolution on June 26, 1946 by which it accepted the Scheme partially. The Congress accepted only that part of the Scheme which dealt with constitution-making. The view of the Committee was that the grouping of the provinces was not to be compulsory. However, the Congress rejected the interim Government scheme on the ground that the clarifications given to them on the subject were not acceptable. The resolution of the Working Committee of the Congress was ratified by the All-India Congress Committee.

The Sikhs rejected the Scheme completely on the ground that the compulsory grouping of the provinces as contemplated by the Scheme was suicidal to their interests.

Before the members of the Cabinet Mission left India they issued a statement along with Lord Wavell in which they expressed their satisfaction that the work of the making of the constitution would proceed with the consent of the major parties in India. They regretted that an interim Government consisting of the various parties could not be formed on account of certain difficulties. It was hoped that after the elections to the Constituent Assembly were over, negotiations would be started for the formation of an interim Government consisting of the representatives of the various parties.

Jinnah who had accepted the Scheme in its entirety was annoyed at the British Government's decision to postpone the formation of the interim Government. He accused Lord Wavell of his having gone back on his promise. He was so very angry that the Muslim League under his leadership passed another resolution on July 29, 1946 by which it withdrew its former acceptance of the Cabinet Mission Plan. Jinnah was not contented with this negative action. The Muslim League also passed the famous *Direct Action* resolution by which both the Congress and the British Government were condemned for their breach of faith with the Muslims. It was declared that the time had come for the Muslim League to resort to direct action to achieve Pakistan. The resolution authorised the Working Committee of the League to prepare a programme of direct action at once. August 16, 1946 was fixed as the Direct Action Day. On that day, Hindu-Muslim riots took place in Calcutta on an unprecedented scale. There was a lot of bloodshed. There was an enormous loss of life and property. The British Government did nothing to stop this wholesale massacre.

Lord Wavell invited Pandit Jawaharlal Nehru, the President of the Congress, to form the interim Government. The Government formed by Pandit Nehru took office on September 2, 1946. The Muslim League refused to participate in the interim Government. The members of this interim Government were Pandit Nehru, Sardar Patel, Dr. Rajendra Prasad, Mr. Rajagopalachariar, Dr. John Matthai, Sardar Baldev Singh, Sir Shafat Ahmed Khan, Mr. Jagjivan Ram, Syed Ali Zaheer, Mr. Bhabha, Asaf Ali and Sarat Chandra Bose. On October 13, 1946, the Muslim League decided to join the interim Government and on October 15, five members of the Muslim League were included in the interim Government. Some of the above members, therefore, resigned to make room for the five members of the Muslim League. This Government remained in office till the partition of India in August 1947.

Constituent Assembly. Elections to the Constituent Assembly took place in July 1946 and the Constituent Assembly met for the first time in New Delhi on December 9, 1946. The Muslim League refused to participate in its deliberations.

In February 1947, Mr. Attlee, Prime Minister of England, declared that the British Government would leave India before

June 1948 even if no agreement was made between the Muslim League and the Congress In March 1947, Lord Mountbatten was appointed Governor-General of India and after prolonged discussions both with the Congress and Muslim League leaders, he put forward his famous June 3 Plan, in which he suggested the partition of the country into India and Pakistan. The scheme was accepted both by the Congress and the Muslim League. The proposals were put in the form of a bill which was passed by the British Parliament on 18th July 1947 as the Indian Independence Act, 1947.

The Indian Independence Act. The object of this Act was to give effect to June 3 Plan of Lord Mountbatten. It merely legalised what had already been promised to the people of India.

(1) The Act provided for the partition of India and the establishment of two Dominions of India and Pakistan from the appointed day (15th August 1947). The Act also provided for the legislative supremacy of the two Dominions.

(2) The Legislatures of the two Dominions were given full power to make laws having extra-territorial jurisdiction.

(3) The British Government was to have no control over the affairs of the Dominions, Provinces or any part of the Dominions after 15th August 1947.

(4) Until a new constitution was framed for each Dominion, the Act made the existing Constituent Assemblies the Dominion Legislatures for the time being. The Assemblies were to exercise all the powers which were formerly exercised by the Central Legislature in addition to its power regarding the framing of a new constitution.

(5) Pending the framing of a new constitution, each of the Dominions and all Provinces were to be governed in accordance with the Government of India Act, 1935. Each Dominion was authorised to make modifications in the Government of India Act, 1935 under the Indian Independence Act.

(6) The Governor-General was given the power to modify or adapt the Government of India Act, 1935 as might be considered necessary till 31st March 1948. After that day, it was open to the Constituent Assembly to modify or adapt the old Government of India Act, 1935.

(7) The right of the King to veto laws or to reserve laws for his pleasure was given up. This right was given to the Governor-General. He was given the full right to assent in the name of His Majesty to any law of the Dominion Legislature made in the ordinary legislative capacity.

(8) The Act provided for the termination of the suzerainty of the Crown over the Indian States. All treaties, agreements and functions exercisable by His Majesty with regard to States and their rulers were to lapse from 15th August 1947. It was also provided that the existing arrangements between the Government of India and the Indian States were to continue pending the detailed negotiations between the Indian States and the new Dominions.

(9) Agreements with the tribes of the North-Western Frontier Province of India were to be negotiated by the successor Dominion.

(10) The office of the Secretary of State for India was to be abolished and his work was to be taken over by the Secretary of State for Commonwealth Affairs.

(11) The title of "Emperor of India" was to be dropped from the royal style and titles of the King of England.

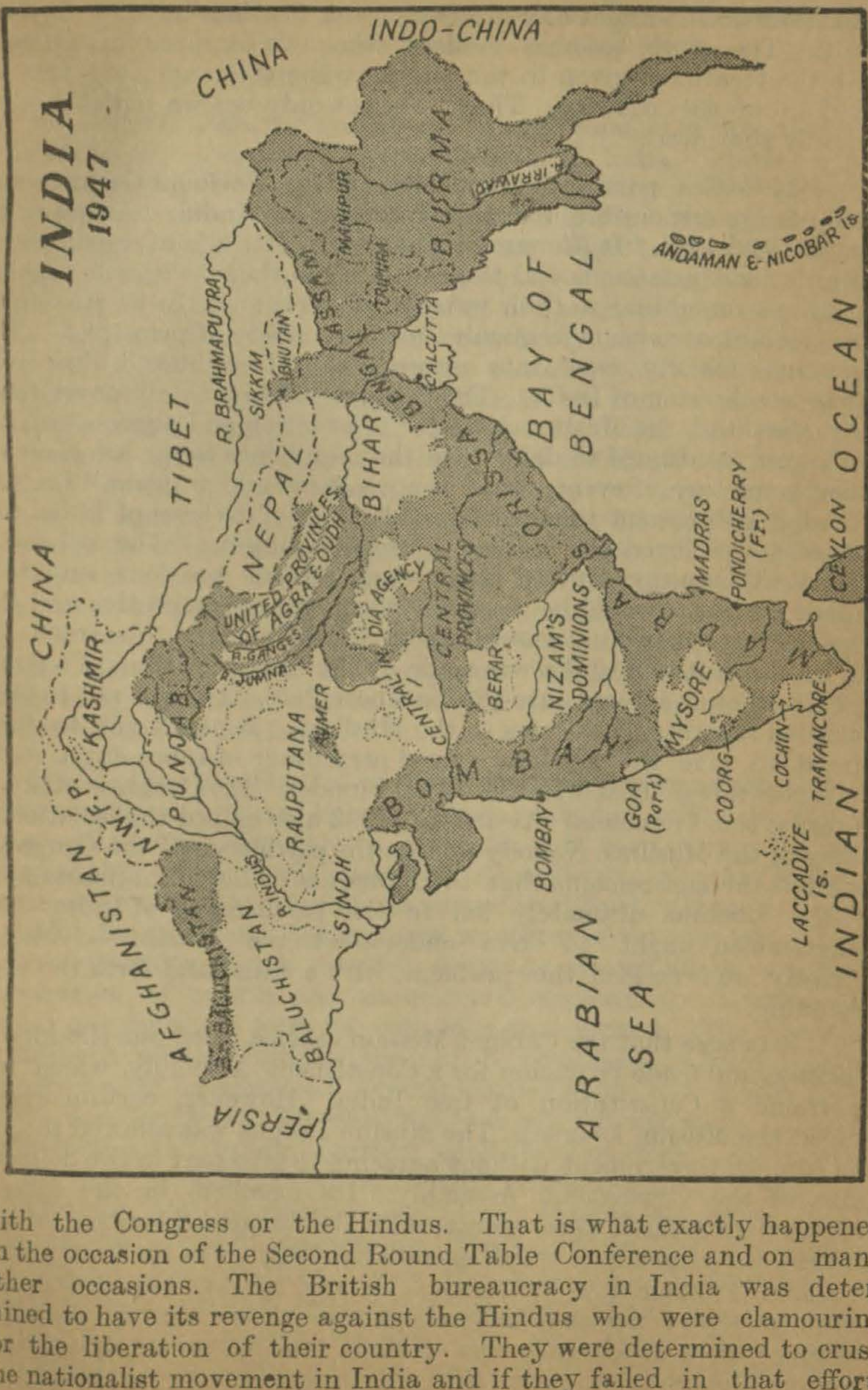
(12) The Act terminated British authority over India, set up two independent Dominions, each with full authority to make any constitution it pleased. Both the Dominions were given full powers and rights to leave the British Commonwealth of Nations if they so pleased.

The Indian Independence Act of 1947 was a great landmark in the Anglo-Indian relations. It marked the ending of the British rule in India. It was a recognition of the right of the Indians to be free. But unfortunately, it divided India into two parts : India and Pakistan.

Partition of India. (1) The Partition of India in 1947 was the outcome of many forces although the main cause was the isolationist policy of the Muslims in India. Under the influence of Sir Syed Ahmad Khan, the Muslims in India began to think and dream separately from the Hindus. They started feeling that their interests were different from those of the Hindus and they had nothing in common with them. They went to the extent of contending that their interests were opposed to those of the Hindus. If India was given a responsible government, the Hindu majority was bound to dominate the Muslims of India who were in a minority in the whole country. The Muslims also felt that they were educationally backward and consequently could not compete with the Hindus. With the passage of time, they drifted more and more away from the Hindus. The Muslim League ideology also estranged the Muslims from the Hindus. Sir Muhammed Iqbal and Mr. Jinnah also played their part in taking the Muslims away from the Hindus. Particularly after 1940, the Muslims insisted that they wanted a separate homeland. They were not prepared to come to any compromise on a permanent basis. This isolationist policy of the Muslims ultimately led to the partitioning of India.

(2) However, it cannot be denied that the Muslims were helped immensely by the British Government in India. After the Mutiny of 1857, the Government of India wanted allies in the country and they found the Indian princes, Zamindars and the Indian Muslims ready to co-operate with them. The Government of India followed a policy of "*Divide and Rule*" and kept on favouring the Muslims even at the cost of other communities in India. Bengal was partitioned to please the Muslims. The Muslims were given separate representation in 1909. They were given weightage in the legislatures. Seats were reserved for them on the India Council and the Governor-General's Executive Council. Whatever the Congress offered to win over the Muslims, the Government of India and the British Government offered more to the Muslims. Under the circumstances,

the Muslims of India began to look to the British Government for everything and were not in a mood to come to any compromise



with the Congress or the Hindus. That is what exactly happened on the occasion of the Second Round Table Conference and on many other occasions. The British bureaucracy in India was determined to have its revenge against the Hindus who were clamouring for the liberation of their country. They were determined to crush the nationalist movement in India and if they failed in that effort, they were determined to divide the country in such a way that it did not become worth their while for the Hindus to have freedom. It was this attitude that was responsible for the partition of India at the time of her liberation from the foreign yoke. It is a well-known

fact that the British bureaucracy in India helped the Muslim League agitation in 1946 and 1947. As a matter of fact, it was their encouragement that the Muslim Leaguers had the guts to stage demonstrations without any interference or beating by the Government. The truth becomes evident when we compare this attitude with the treatment given to the Hindus when they agitated for the freedom of the country. They were not only beaten but they were actually shot dead.

(3) Critics point out that the Indian National Congress was also partly responsible for the Partition of India. According to Dr. Lal Bahadur, "It (Congress) adopted an attitude of appeasement towards the Mussalmans and thus encouraged them, without wishing it, to go on adding to their unreasonable claims. In its passion to woo the Mussalmans, it frequenlty made sacrifices of principles. The communal malady grew into unproportioned height and ultimately led to the division of India. The Congress unfortunately never tried to understand the Muslim character of isolation and aggression and, to the end, continued to dally with the false hopes that, somehow or other, some turn of event would remove communal problem." Dr. Lal Bahadur points out that even in the hour of division of India, the Congress preferred to indulge in self-deception. "The All-India Congress Committee trusted that when present passions subsided, India's problems would be viewed in their proper perspective and the false doctrine of two nations would be discredited and discarded by all." The initial mistake was made by the Indian National Congress in 1916 when it entered into the Lucknow Pact. It ought not to have conceded separate electorates to the Muslims. It ought not to have agreed to give the Muslims a fixed percentage of representatives in the legislatures. That was the initial blunder. The Congress attitude towards the Communal Award of 1932 also helped the isolationist policy of the Muslims. Nobody doubts the patriotism of the Congressmen but the fact remains that the Congress policy of appeasement of the Muslims ultimately led to the partitioning of India. The Congressmen ought to have understood the Muslim character correctly and tackled the problem with a firm hand form the very beginning.

It is true that the Cabinet Mission scheme ruled out the idea of Pakistan and made provision for a Constituent Assembly which was to frame a Constitution of free India. However, certain events helped the Muslim League. The Muslim League was allowed to join the Interim Government without agreeing to take part in the deliberations of the Constituent Assembly. Its members in the Interim Government refused to co-operate with the Congress members of the Interim Government of which Jawaharlal Nehru was the head. They proclaimed their loyalty to the Viceroy whose appointees and nominees they considered themselves to be. They openly talked of carving out a Pakistan. The division among the members of the Interim Government was reflected in the whole administrative machinery. According to the Report of General Secretaries of the Indian National Congress, "If the Civil Services, the police and the Army became divided in their loyalty and their members function-

(3) As regards the citizenship of India, persons born or domiciled in India, refugees who have migrated to India from Pakistan and the Indians overseas who apply for Indian citizenship, are Indian citizens. The Constitution has adopted the principle of single citizenship for the whole of India. No person is entitled to claim that he is a citizen of two countries.

(4) The Constitution provides for a large number of fundamental rights which are guaranteed to every citizen of India. Those rights are to be found in Articles 12 to 35 of the Constitution. The Supreme Court and the High Courts have been appointed the guardian of these fundamental rights. Those rights are : right to equality before law, prohibition of discrimination on grounds of religion, race, caste, colour, sex or place of birth, equality of opportunity in matters of public employment, abolition of untouchability, right to freedom of speech and expression, right to assemble peacefully and without arms, the right to form associations and unions, the right to move freely throughout the territory of India, the right to reside and settle in any part of India, the right to secure, hold and dispose of property, the right to practise any profession or to carry on any occupation, trade or business, the right to life and personal liberty, the right to freedom from arrest and detention in certain cases, the prohibition of traffic in human beings and forced labour, the prohibition of employment of children in any factory or mine or in any other hazardous work, the right to freedom of conscience and free profession, the right to practise and propagate religion, the freedom to manage religious affairs, cultural and educational rights, and the right to constitutional remedies.

(5) The Constitution also contains what are known as the Directive Principles of the State Policy. These principles relate to those matters which the Government of India is to keep in view for the welfare of the people of the country. Accordingly, all the Indian citizens are entitled to adequate means of livelihood. There is to be equitable distribution of the material resources of the country. The economic freedom of the country demands the avoidance of the concentration of wealth and the means of production. There is to be equal pay for equal work for both men and women. The wealth and strength of the workers are not to be abused. Children and youngmen are to be protected against exploitation and moral and material abandonment. All workers are to get a living wage. There must be established just and humane conditions of work. All people have the right to work, to education and public assistance in case of unemployment, old age, sickness, etc. There is to be a uniform civil code for all the people of the country. There is to be free and compulsory education for children. It is the duty of the State to raise the level of nutrition and the standard of living of the people. The State is to promote international peace and security, maintain just and honourable relations between nations, inculcate respect for international law and treaty obligations and encourage settlement of international disputes by arbitration. However, it is to be noted that Directive Principles of State Policy differ from fundamental rights inasmuch as they cannot be enforced by courts.

(6) The Constitution provides for a President of the Indian Republic. He is elected indirectly by an electoral college consisting of the elected members of both Houses of Parliament and Legislatures of the States. The President must a citizen of India. He must have completed the age of 35 and he must be qualified for election as a Member of the House of the People. He is not eligible for election if he holds a job under the Government. He holds office for 5 years but can be re-elected. He gets a salary of Rs. 10,000 and allowances. He can be impeached for the violation of the Constitution. The Constitution provides a special procedure for the impeachment of the President. The President has been given a large number of powers in the legislative, executive and judicial spheres. He is also authorised to act in times of emergency. He is expected to act as a constitutional head like the King of England.

(7) The Vice-President of India is the *ex-officio* Chairman of the Council of States. Any citizen of India who is 35 years of age or more and who is qualified for the membership of the Council of States can be elected to this office by both the Houses of Parliament. When the President is ill, or resigns, or dies, or is removed, or is absent for any other reason, the place is taken over by the Vice-President of India till such time as a new President of India is elected.

(8) The Constitution provides for a Council of Ministers to assist the President. The President is to appoint the Prime Minister and the other Ministers are to be appointed by him on the advice of the Prime Minister. All the Ministers are collectively responsible to the House of the People. It is the duty of the Prime Minister to communicate to the President all the decisions arrived at in the Cabinet. The Prime Minister is the link between the President and the Cabinet. His position is the same as that of the Prime Minister of England.

(9) The Indian Parliament consists of two Houses, *viz.*, the House of the People and the Council of States. The House of the People consists of 500 members who are directly elected by the voters in the several States. Every adult or grown-up citizen of India is given the right to vote. The life of the House of the People is 5 years. The House of the People has a Speaker and a Deputy Speaker. The Council of States is a permanent body of 250 members. Its members are elected indirectly. About one-third of its members retire after every two years. Twelve members of the Council of States are nominated by the President from men of learning and persons of experience. A member of the Council of States must be a citizen of India and must not be less than 30 years of age.

It is to be noted that the House of the People is stronger than the Council of States. It has practically complete control over money bills. Even in the case of ordinary bills, the opinion of the House of the People prevails on account of its numerical majority in the joint session of the two Houses.

(10) The Constitution provides for the Supreme Court of India consisting of a Chief Justice of India and not more than 7 other

judges. However, the number can be increased by Parliament.[1] All the judges of the Supreme Court are appointed by the President. Judges hold office during good behaviour till the age of 65. Provision is also made for *ad hoc* judges of the Supreme Court. Supreme Court has been given both original and appellate jurisdiction. As regards its original jurisdiction, it can try any dispute between the Government of India and one or more States, or between the Government of India and any State or States on one side and one or more other States on the other, or between two or more States if and in so far as the dispute involves any question, whether of law or fact, on which the existence or extent of a legal right depends. The Supreme Court has the power to issue directions or orders in the nature of writs of *Habeas Corpus*, *Mandamus*, *Prohibition*, *Quo Warranto* and *Certiorari*, or any of them for the enforcement of fundamental rights.

The appellate jurisdiction of the Supreme Court is of three kinds, *viz.*, constitutional, civil and criminal. An appeal can be taken from a High Court to the Supreme Court if a case involves a substantial question of law with regard to the interpretation of the Constitution. In civil cases, an appeal lies to the Supreme Court if the value of the subject-matter of the dipute is not less than Rs. 20,000. In criminal cases, an appeal lies to the Supreme Court if the High Court on appeal reverses an order of acquittal of an accused person and sentences him to death. An appeal also lies if the High Court tries the accused and sentences him to death. Provision is made for the increase of its powers in criminal cases by Parliament.

The Supreme Court also possesses advisory jurisdiction. It is to advise the President on questions of law and fact. It has also the power to grant special leave to appeal in certain cases. It has the power of review. It has been rightly said that the Supreme Court of India has more powers than any other Supreme Court in the world.

The Constitution also provides for a High Court for every State. It is to consist of a Chief Justice and such other judges as the President of India may from time to time think fit. Every High Court has control over all courts subordinate to it throughout the territory under the court except any court constituted for the Armed Forces of India. Appointments, promotions and postings of district judges are to be made by the Governor in consultation with the High Court of the State.

(11) The Constitution provides for a Union Public Service Commission and also State Public Service Commissions. Two or more States can have a joint Public Service Commission. The main functions of the Public Service Commissions are to recommend candidates for appointment and also to conduct examinations for recruitment to the Services.

(12) The Constitution provides for a Comptroller and Auditor-General. He is to be appointed by the President to perform all

1. At present (1962), the total number is 14.

duties and exercise powers relating to the accounts of the Union, and the States. His main duty is to keep a careful watch on the finances of the Union and the States and especially to see that the expenses voted by the Parliament or the Legislature of a State and laid down in Appropriation Act are not exceeded or varied.

(13) The Constitution provides for the distribution of powers between tne Union and the States. The Union List contains those subjects on which laws can be passed by the Indian Parliament. The State List contains those subjects on which laws can be made by a State Legislature. The Concurrent List contains those subjects on which laws can be passed both by the Union Parliament and the State Legislature. The residuary powers are given to the Union Parliament. The result of all this is that the Union Government is very strong under the new Constitution.

(14) The Constitution provides for the freedom of trade, commerce and intercourse throughout the territory of India. However, certain restrictions can be placed in the interests of the public. According to the Constitution, no tax can be levied or collected except by authority of law. There are provisions for the creation of certain funds. The general fund is called the Consolidated Fund of India and into this fund goes all the income of the Government of India. There is also a Consolidated Fund for each State. In addition to these, there is a public account of India and a public account for each State. Provision is also made for what is called a Contingency Fund of India and similar funds in every State. These funds are at the disposal of the President of India, or the Governor of a State. According to the Constitution, the superintendence, direction and control of elections to Parliament and Legislature of every State and of President and Vice-President including appointment of Election Tribunals are vested in the Election Commission. There will be only one general Electoral Roll for every territorial constituency. No person is ineligible for inclusion in that roll only on the ground of religion, race, caste, sex, or any of them. There are no property-qualifications for the voters. Every person who is a citizen of India and who is not less than 21 years of age and who is not otherwise disqualified is entitled to vote at the elections of the House of the People and the Legislative Assemblies of States.

(15) The Constitution provides that Hindi in Devanagari script shall be the official language of the Union. The English language shall continue for all official purposes of the Union for a period of 15 years, but the President may authorise the use of Hindi in addition to English language during the same period. If at the end of 15 years it is found that Hindi cannot replace English completely, Parliament may provide for the use of English for such purposes as may be specified by law. The Constitution recognizes the use of 14 Indian languages as regional languages for various States.

(16) Provision is also made for the amendment of the Constitution. The Constitution is amended when the President gives assent to any bill after it is passed in each House of Parliament by a majority of not less than two-thirds of the members of the House present and voting. Exception is made in the case of amendments

of certain particular provisions in which cases amendments require ratification by not less than one-half of the State legislatures.

Criticism of the Constitution. (1) In the first place, the critics point out that there is nothing original in the new Constitution of India. Many sections have been taken word for word from the Government of India Act, 1935. Similarly, many provisions have been borrowed from the Constitutions of other countries of the world. There is nothing indigenous about it. There is no mention of the Sabha or the Samiti of the Hindu period. There is also no reference to the political institutions of Medieval India. But it may be pointed out that there is nothing wrong in borrowing a political institution which otherwise works well. Moreover, it is difficult to fit in the ancient political institutions of India in a modern constitutional set-up.

(2) The Indian Constitution is over-centralised and the Units have been reduced to the level of local bodies. It has already been pointed out that the Central Government has been made particularly strong with the object of maintaining the integrity and security of India. It was felt that there was no other way of checking the centrifugal tendencies which exist in the body-politic of India. The enormous powers of the Central Government are required to be used as a remedy for the disease.

(3) The fundamental rights as provided in the Constitution are illusory and not real. They have been hedged in on all sides by so many limitations that the people are not materially benefited by their inclusion into the Constitution. But it must be conceded that the courts have acted enthusiastically in the matter of the enforcement of the fundamental rights. Moreover, the limitations have been imposed on the rights because absolute rights cannot be enjoyed by all. They are always the property of a few individuals only.

(4) It is pointed out that the Directive Principles of State Policy were included into the Constitution without any purpose. Since they are not justiciable, they are ineffective. Every Government can afford to ignore them with impunity. They are merely moral precepts about which the politicians need not bother themselves. But it may be pointed out that these Directive Principles are bound to influence the course of legislation in the country. They are like a a mandate from the people. No government which cares to retain public confidence will ever dare to act against these Principles.

(5) It is true that the Constitution makes provision for those things which insure the independence of the Judges of the High Courts and the Supreme Court, the members of the Public Service Commissions and also the Comptroller and Auditor-General, but the members of the subordinate judiciary complain that there is nothing to insure their independence. The Constitution has simply ignored them. Likewise, the Government servants are not happy about their status under the new Constitution. In certain cases the officer concerned may not be given reasonable opportunity to prove his innocence. It rests with the authority empowered to dismiss or remove a public servant to decide as to whether it is reasonably practicable to give such opportunity or not, and his decision is final.

(6) The Constitution provides for the promulgation of ordinances by the President of India or the Governor of a State. Critics point out that such a thing is not proper under a democratic set-up. There is no such provision in a free country like England and there is no reason why it should be retained in the new Constitution of India. There was some justification for such a power when India was ruled by a foreign country. It is improper to borrow one of the worst features of the old Constitution of India.

(7) Critics condemn the emergency powers of the President. It is pointed out that these powers may be used by the President for the purpose of setting up a dictatorship in the country. The experience of Germany is pointed out as a warning.

(8) The Constitution is unduly prolix and elaborate. It is probably the longest of its kind. It errs on the side of over-elaboration with a view to avoiding obscurities. Our Constitution lacks the brevity of the American Constitution and is full of administrative details which are not to be found there. It would have been better if the framers of our Constitution had adopted the American model and not followed the Government of India Act of 1935. The ambition of the framers of the Indian Constitution was to make it fool-proof. They tried to avoid all those pitfalls which the working of the various constitutions had shown. The attempt to provide against all possible eventualities resulted in the length of the document.

(9) As regards the provisions for suspension of State constitution there may be some justification for the interference of the President in the case of external aggression, but interference in the case of internal disturbance appears to be uncalled for. The existence of this power is a standing invitation and temptation to exercise it on the flimsiest grounds. This is bound to reduce the State autonomy to a farce. If the President of India in league with the Ministers commanding the confidence of Parliament takes it into his head to take over any State, so influenced to act on certain confidential but absolutely ungrounded complaints against the way a State Government is functioning, the Constitution does not provide any adequate safeguard or remedy. The way in which the Central Government took over the Government of PEPSU, Punjab and Kerala was not considered proper. The critics also point out that the Constitution does not provide any adequate remedy in the case of a breakdown at the Centre itself.

(10) It is pointed out that the Indian Constitution does not invoke the blessings of God as is done in many other Constitutions. The omission is all the more surprising in a Constitution which is intended for a people who are known for their devotion of God. The framers of the Constitution have deliberately avoided any reference to religion so that the idea of a secular State may easily take root in the soil of the country. However, it can be argued that the expression "solemnly resolved" in the Preamble makes up for the omission of the name of God. The word "solemn" introduces into the Constitution a sufficient element of religiosity which can be considered to have given it a spiritual halo.

(11) It is stated that the provision which allows the President to get the opinion of the Supreme Court on any question of public importance is a very objectionable one. It detracts from the dignity of the Supreme Court as the ultimate court of appeal in the country. It is bound to embarrass the Supreme Court when the same question on which it has already given its opinion to the President, comes up before it in the form of a case between two parties. The question is whether the Supreme Court is bound by its previous opinion given to the President or not. It would have been better if such a provision had been avoided. The President of India can get the opinion of the Attorney-General who is expected to have the same qualifications as those of a judge of the Supreme Court.

(12) It is argued that the Indian Constitution has been framed by lawyers and for lawyers. The Constitution has been designedly and deliberately so made as to bristle with difficulties in interpretation. Its object is to allow the legal profession to have a rich crop of litigation.

According to Dr. Jennings, the lawyer-politician has played a more important part in Indian politics than in the politics of any other country in the world. "As a lawyer, I cannot raise objections to this practice, though it must be confessed that there is danger in it, for the lawyer-politician is sometimes neither a good lawyer nor a good politician. Whether the dominance of the Constituent Assembly by the lawyer-politician has been good for India, must be left for history to say. What can at present be said is that it has added to the complexity of the Constitution."

(13) Dr. Jennings points out that the Indian Constitution is far too large and therefore far too rigid. The rigidity of the Constitution is not determined solely by the nature of the amending process. It is also determined by the volume which has to be amended. The Indian Constitution is the longest Constitution and the process of amendment is also not simple.

(14) The Socialists maintain that the Constituent Assembly was not a proper representative body and consequently it was not competent to frame a constitution for the people of India. On the day of the enforcement of the new Constitution (26th January 1950), Shri Jai Prakash Narain remarked thus : "Lastly, let us not forget that the Constitution that comes into force today and brings republic into being is in itself a source of greatest danger, to both individual freedom and social justice. Therefore, at the earliest opportunity a really representative Constituent Assembly must be convened to frame a new Constitution that may become a fit instrument of social democracy." It was suggested that to meet the objection, the new Constitution should be allowed to be amended by the ordinary process of a simple majority during the first five years. That had been actually done in the case of Ireland. Had this suggestion been acted upon, the representatives of the people in the new Parliament elected on the basis of adult franchise, would have got the opportunity to make the necessary changes in the light of the mandate of the people.

(15) According to Laxmi Narain Sahu, "Democracy has been centred round Delhi just as holiness has been centred round Banaras." According to Prof. K. T. Shah, "The Constitution would make the Prime Minister a potential dictator." According to Shankar Rao Deo, General Secretary of the Congress in 1949-50, "As under the Constitution of Germany, our President has the potentiality of becoming a virtual dictator." According to A. C. Guha, "Power vested in the hands of the President was too much and smacked something like the power of the President of the Reich at the advent of Hitler." According to A. K. Ghosh, "Emergency powers vested in the President made him a potential dictator."

(16) According to Dr. Jennings, the Indian Constitution is in a large measure a product of British rule. The Constitution of the United States was by reaction a product of George III and Lord North. The Indian Constitution is by reaction a production of the Governments of MacDonald (in his last and worst phase), Baldwin, Chamberlain and to a less degree Churchill. It is impregnated with the idea that law and Government are dangerous and ought to be kept in concentration camps. Possibly, these are implicit consequences of communal tensions and doubts whether democracy always throws up the ablest and most public-spirited representatives.

(17) According to B. R. Misra, "The Indian Constitution is a centralised federal constitution. The financial character of the Constitution has made the Centre definitely stronger than it was even under the Act of 1935. Perhaps this was necessary under the new political set-up of the country to check the working of separatist tendencies. The States, in view, of their limited resources, must always look forward to the Centre for financial aid and thus will be following the dictation of the Union in all important financial and political matters." Again, "The success of the Constitution must depend upon the will of the people and the economic programmes of the political parties which will run the Government. Unless the economic condition of the masses is improved, the Directive Principles of State Policy will remain an idle dream." (*Economic Aspects of the Indian Constitution*, 1952, p. 71).

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CHAPTER XX

GROWTH OF CENTRAL AND PROVINCIAL LEGISLATURES

Growth of the Central Legislature. According to the Montagu-Chelmsford Report, "The germ of legislative power of the Government of India lies embedded in Elizabeth's Charter of 1600 which authorised the East India Company to make reasonable laws, constitutions, orders and ordinances not repugnant to English law for the good government of the Company and its officers." No copies of any laws made under the early Charters are known to exist. The subsequent Charters changed the powers of the Company according to its needs. The Charter of 1726 empowered the Governor-in-Council and the three Presidencies to make laws, ordinances and regulations in their respective jurisdictions.

The Regulating Act of 1773 required that the Governments of Madras and Bombay must send copies of their laws and orders to the Gevernment of Bengal. It is not clear as to whether the Governor-General of Bengal had any right to modify them or not. The Act of 1807 empowered the Governor-in-Council of Madras and Bombay to make regulations. In short, the power of legislation was exercised by the Executive Governments in the three Presidencies. Every Presidency had its own system of laws which might be different from those existing in other Presidencies.

Charter Act of 1833. The Charter Act of 1833 is a great landmark in the field of legislation. It simplified the legislative machinery. It deprived the Presidencies of Madras and Bombay of their powers of legislation. The Governor-General-in-Council was given the power to make laws on all the subjects for the whole of India. The Act also provided for the appointment of a Law Member in the Governor-General's Executive Council. His duties were purely legislative.

Charter Act of 1853. The Charter Act of 1853 made the Law Member a full member of the Executive Council of the Governor-General. The provinces were allowed to send one representative each to the Government of India. No measure concerning any province was to be considered unless the representative from that province was present. The Chief Justice of the Supreme Court of Calcutta was made an *ex-officio* members of the Council and one more member was appointed. The Governor-General was given the power of appointing two more civil servants as members of the Council. The Council in its legislative capacity consisted of 12 members. Those were the Governor-General, Commander-in-Chief, 4 members of the Executive Council, and 6 legislative members. Out of these 6 members, 4 were the representatives from the provinces and the other two were the Chief Justice and puisne judge. The representatives from the provinces were to be given £5,000 annually. It is clear that there was at least one member present with local knowledge.

Experience showed that the Council as constituted by the Act of 1853 "evinced an inconvenient tendency to interfere with the Executive." Sir Charles Wood complained in the House of Commons that the "Council had become a sort of debating society or petty Parliament." The Members of the Council asked all kinds of questions from the Government which put the latter in a very awkward position. It was pointed out that the Council had become an Anglo-Indian House of Commons.

Act of 1861. The Indian Councils Act of 1861 provided that the Executive Council of the Governor-General was to be strengthened by the addition of not less than 6 and not more than 12 members nominated by the Governor-General for the purpose of legislation. Not less than half of the additional members were to be non-officials. They were to hold office for two years. The function of the Council was strictly limited to legislation and the Act expressly forbade the transaction of any other business by the Council. It was empowered "to make laws and regulations for all persons whether British or native, foreigners or others, and for all places and things whatever within the said territories, for all servants of the Government of India within the Dominions of Princes and States in alliance with Her Majesty."

However, many restrictions were put on the powers of the Central Legislature. The previous sanction of the Governor-General was made necessary for introducing any legislation concerning certain specified subjects such as public debt or public revenue, religion, military or naval matters or the relations of the Government with foreign princes or States. No law could be made which infringed the authority of the Home Government or violated the provisions of certain Acts made by Parliament. Governor-General was given the power of veto. In cases of emergency, he was authorized to issue ordinances which had the same force as any other law. These ordinances were to remain in force for 6 months. However, they could be dissolved or repealed earlier. As soon as an ordinance was issued, it had to be intimated to the Secretary of State. The approval of the Governor-General was made necessary for every Act passed. The right to disallow Acts was reserved for the Crown and the general authority of Parliament and the Crown was expressly preserved.

Act of 1892. The Indian Councils Act of 1892 also changed the position and powers of the Central or Imperial Legislature. The number of the additional members was increased. It was not to be less than 10 and not more than 16 in the case of the Imperial Legislative Council. Two-fifths of the additional members were to be non-officials. The Government agreed to allow elections to be held in India under the rules. However, the members so elected were to take their seats after they were nominated by the Government.

The powers of the Legislative Council were increased. The members were allowed to discuss the annual financial statement under certain conditions and restrictions. They were given the power of asking questions from the Government on matters of public interest. A previous notice of 6 days was to be given to the Government for asking a question. The President might disallow any question

without giving any reason. Questions on matters of public interest could be asked "subject to such conditions and restrictions as may be prescribed in rules made by the Governor-General or the Provincial Governors."

Act of 1909. The Indian Councils Act of 1909 increased the additional members of the Governor-General's Council to a maximum of 60. Out of these 37 were officials and 23 non-officials. Out of the 37 officials, 28 were nominated by the Governor-General, and the rest were to be *ex-officio*. The *ex-officio* members were the Governor-General, 6 ordinary members of the Council and 2 extraordinary members. As regards the non-official members, 5 members were nominated by the Governor-General and the rest were elected.

The functions of the Legislative Council were increased. Elaborate rules were made for the discussion of budget by the Council. Every member was given the right to move any resolution relating to any alteration in taxation, any new loan or any additional grants to local Governments, etc. The Council was not allowed to discuss expenditure on interest, on debt, ecclesiastical expenditure, expenditure on State Railways, etc. The members of the Legislative Council were given the right of asking questions and supplementary questions for the purpose of further elucidating any point. However, the Executive Councillor might refuse to answer the supplementary question off-hand. He may demand some time for the same. The members of the Council were also given the right of moving resolutions. These resolutions had to be clearly and precisely expressed in the form of definite issues. The resolutions were not to contain arguments, inferences, ironical expressions, etc. The President might disallow any resolution or part of a resolution without giving any reason for the same.

Rules were framed under the Act for the discussion of matters of general public interest. No discussion was permitted on any subject not within the competence of the Legislature, or any matter affecting the relations of the Government of India with a Foreign Power or a native State, or any matter under adjudication by a Court of Law.

An indirect system of elections to the Imperial Council was introduced. Its members were to be elected by the elected members of the Provincial Legislatures.

It is clear that the powers enjoyed by the Imperial Legislative Council were not substantial. It is true that all forms of a parliamentary system of government were introduced, but the substance was lacking. The members of the Governor-General's Executive Council who were incharge of the various Departments, were not responsible to the members of the Legislature. They could ignore them with contempt and they actually did the same. The discussions in the legislature lacked reality because the members of the Legislature knew that they would never be called upon to shoulder the responsibilities of the Government whatever their criticism of the Government might be.

Act of 1919. The Government of India Act, 1919, set up a bicameral legislature at the Centre. The names of the two Houses were the Central Legislative Assembly and the Council of State. The Council of State consisted of 59 members out of which 34 were elected and 25 were nominated by the Governor-General. The Central Legislative Assembly consisted of 143 members, out of which 103 were elected and the rest were nominated. Out of the nominated members, 25 were officials and the rest were non-officials. Out of the 103 elected member, 51 were elected by the general constituencies, 32 by communal constituencies (30 by Muslims and 2 by Sikhs), and 20 by special constituencies (7 by land-holders, 9 by Europeans and 4 by Indian Commerce).

The life of the Central Legislative Assembly was 3 years and the Council of State 5 years, but the same could be extended by the Governor-General. It is to be noted that the last Legislative Assembly sat for 11 years. The first Speaker of the Assembly was nominated by the Government, but the subsequent Speakers were elected by the members of the Assembly.

The Governor-General was given the power to summon, prorogue and dissolve both Houses of the Central Legislature.

The Central Legislature was given specific powers. It could make laws for the whole of British India, for the subjects of His Majesty and Services of the Crown in other parts of India, for the Indian subjects of His Majesty wherever they might happen to be, and for all persons employed in His Majesty's Defence Forces in India. It could also repeal or amend laws for the time being in force in British India. In certain cases, the previous sanction of the Secretary of State-in-Council was required for passing any legislation. Likewise, the previous sanction of the Governor-General was required to introduce certain bills in the Legislature.

The members of both Houses of the Central Legislature were given the right of putting questions and supplementary questions, moving resolutions and motions of adjournment. The Central Legislature was not given complete control over the budget. There were certain non-votable items in the budget over which the Legislature had no control. As regards the votable items, the Assembly could reject them, but the Governor-General was given the power to restore those items if he thought that expenditure on those subjects was necessary for the safety and tranquillity of India.

It can safely be stated that the Central Legislature under the Act of 1919 was helpless before the Central Executive. The latter was not only independent of the Legislature, but also had the power of over-riding the Legislature in almost all respects.

Act of 1935. Under the Govrenment of India Act, 1935, provision was made for a Federal Legislature of two Houses, *viz.*, Federal Assembly and the Council of State. The Federal Assembly was to have a life of 5 years from the date of its first meeting. On the expiry of that period, it was to be automatically dissolved. However, the Governor-General was given the power to extend its life. The Council of State was to be a permanent body

of which one-third members were to retire after every 3 years. The Federal Assembly was to consist of 375 members and the Council of State 260 members. The members from the States were to be nominated by the rulers. The representatives from British India were to be elected on communal lines.

The powers of the Legislature were severely restricted. There were certain subjects on which it could not legislate. It could not make any law affecting the sovereign or the Royal Family or the succession to the Crown, or the law of British nationality, or the law of prize courts, or the Army, the Air Force Act, etc. The Federal Legislature could not make any law amending any provision of the Government of India Act, 1935, or any Order-in-Council made under it, or any rules made thereunder by the Secretary of State or by the Governor-General or a Governor. It could not pass any law which discriminated against the British interests in commerce and other spheres. In certain cases, the previous sanction of the Governor-General was required for introducing certain bills in the Federal Legislature.

The Federal Legislature had no control over the non-votable items of the budget. These non-votable items constituted about 80% of the Federal budget. If any item of the budget was rejected by the Federal Assembly, the same could be put before the Council of State if the Governor-General so directed. If the two Houses of the Federal Legislature differed with regard to any demand, the Governor-General was required to summon a joint sitting for voting on that demand and the decision of the majority was to prevail.

The Governor-General was given the power to summon a joint sitting of the two Houses of the Federal Legislature when a bill passed by one chamber was rejected by the other or was amended in a form to which the first chamber was not agreeable. After a bill was passed by both the chambers of the Federal Legislature, the Governor-General, in his discretion, might assent to it or veto it or send it back for reconsideration or reserve it for His Majesty's consultation. The Act assented to by the Governor-General could be disallowed within a year by the King-in-Council.

Constitution of 1950. Under the new Constitution of India which came into force on 26th January 1950, the Union Parliament consists of two Houses, namely, the Council of States and the House of the People. The total strength of the Council of States is 250. Out of these, 12 are nominated by the President for their special knowledge and experience of literature, science, art and social service. The remaining 238 are elected from the various States. The House of the People consists of 500 members. All the members are elected by the electors in the various States. For purposes of election to the House of the People, the States are divided, grouped or formed into territorial constituencies.

The Council of States is a permanent House. It cannot be dissolved. Its members are elected for 6 years. One-third of them retire after every two years. The House of the People has a maximum duration of 5 years from the date appointed for its first meeting.

After 5 years the House of the People is to be dissolved automatically However, this period of 5 years may be extended by Parliament for a period not exceeding one year at a time.

The Union Parliament has the power to make laws relating to all subjects on the Union List and the Concurrent List. Any State may authorise the Government of India to legislate on certain matters and in that case Parliament can pass laws on those subjects also although they are given in the State List. In the case of the breakdown of the constitutional machinery in a State, the Union Parliament has the right to make laws for that State even on subjects that are included in the State List. The Union Parliament has the power to make laws on any subjects in the State List if the Council of States passes a resolution by a two-thirds majority declaring such matter or matters to be of national importance and interest. The Union Parliament can amend the Constitution by a two-thirds majority. The Supreme Court can declare any law passed by the Union Parliament to be *ultra vires* if it in any way conflicts with the Constitution.

The Parliament controls the national finance. The Government connot levy taxes, borrow money or spend any money without the permission and authority of Parliament. But this does not apply to those items of expenditure which are a charge on the national revenues.

The Union ministers are members of the Union Parliament and are also responsible to it. They must resign if they are out-voted in Parliament or a vote of no-confidence is passed against them.

Laws passed by Parliament are not valid unless they receive the assent of the President. No cabinet can dare to tender advice to the President to veto a bill passed by Parliament. The latter has the power to impeach the President on the ground that he has violated the Constitution. The proposal may be preferred by any House by a two-thirds majority and then the other House has to investigate the charge. If it is approved by a two thirds majority in that House, then the President can be removed from his office.

On the request of the members of Parliament to the President, the Judges of the High Courts and the Supreme Court can be removed from office.

The two Houses of Parliament have equal powers except as regards the money bills which can be introduced only in the House of the People. Then these money bills can be sent to the Council of States. If amendments made by the Council of States are accepted, it is good, otherwise the money bills will be taken to have been passed by Parliament on the expiry of 30 days. Bills, other than money bills, may be introduced in any chamber and in the case of disagreement over a bill, there may be a joint sitting of the two Houses. If that bill is passed by a majority at the joint sitting, it is to be deemed to have been approved by both Houses.

Growth of Provincial Legislatures. The history of the growth of the Provincial Legislatures is both interesting and

instructive. While tracing the origin of the legislative powers of the provinces, we find that in 1797 the Presidency of Bengal was authorised to issue independent regulations within its jurisdiction. Similar powers were given in 1807 to the Presidencies of Madras and Bombay. The result of this was that each Presidency developed its own system of laws. It was found that there were conflicting laws in the various Presidencies. Such a thing was not considered to be in the interests of the country. Consequently, the Charter Act of 1833 deprived the Presidencies of Madras and Bombay of their power of legislation. All legislation for the whole of India was to be made by the Central Government. This resulted in over-centralisation. The Government of India could not understand and appreciate the needs of the various Presidencies. Complaints were made against the abuses of the system.

Charter Act of 1853. The Charter Act of 1853 tried to remove some of the defects of the system. It was provided that each Presidency was to send one representative to the Central Government and no legislative measure for any Preridency was to be considered by the Governor-General-in-Council without the presence of the Member from the Presidency concerned. Even this innovation was not a remedy for the evils of the existing system. Lord Canning held the view that a partial return to the system which existed before 1833 "was advisable."

Act of 1861. The Indian Council Act of 1861 reversed the process started by the Charter Act of 1833. The Presidencies of Madras and Bombay were given the power of making laws. For legislative purposes, the Executive Council of the Governor was to be expanded by the addition of not less than 2 and not more than 4 additional members. No demarcation was made between the jurisdictions of the Central and the Provincial Legislatures. In certain cases, the previous sanction of the Governor-General was required for legislation by the local councils. All the Acts passed by the Provincial Governments required the assent of the Governor and the Governor-General. In exercise of the powers given to the Governor-General by the Act of 1861, Legislative Councils were established in Bengal in 1862, in U. P. in 1866, etc. It is to be noted that the function of these Councils was purely legislative and nothing else. Even those laws were in reality the orders of the Government. In spite of the defects of the system, no change was made till 1892.

Act of 1892. The Indian Councils Act of 1892 enlarged the Legislative Councils of the various Provinces. The number of additional members was fixed at 20 for Bengal and 15 for North-West Province and Oudh. In the case of Bombay and Madras it was to be not less than eight and not more than twenty. A system of indirect elections was also provided for. Certain corporate bodies were given the power of electing representatives and those persons were to be nominated by the Governor. The members of the Councils were given the power of asking questions and discussing the financial statement. However, no right of asking supplementary questions was given. The members also could not reject the budget.

This was no doubt an advance on the Act of 1861, but that advance was not considered to be adequate by the people.

Act of 1909. The next step was taken by the Indian Councils Act of 1909. The Provincial Legislatures were enlarged up to a limit of 50 additional members in the larger provinces and 30 in the smaller provinces. The majority of the members were to be elected. The system of nomination after election was given up. It was provided that corporate bodies were to elect members of an electoral college and the latter were to elect members of the provincial legislature. The Mohammedans were given special representation by this Act. They were to vote in the special constituencies of the Muslims alone. The members of the Provincial Legislatures were given the right of asking questions and supplementary questions. But the supplementary questions could be put only by the person who put the original question. The members were given the right of discussing the budget and passing resolutions on it It was the duty of the Government to take those resolutions into consideration. As a matter of fact, the Government completely ignored those resolutions. Under the Act of 1909, the Provincial Legislatures were "essentially consultative committees attached to the Executive." The voting qualifications were so high that the number of voters in any constituency was very small. As the system of elections was indirect, the sense of responsibility was lacking. The Legislative Councils were given no control over the Government or legislation. Their members could merely criticise with the full knowledge that they would never be called upon to shoulder the responsibility. The resnlt was that the members were reckless in their criticism of the Government. The Government also regarded these Councils with contempt.

Act of 1919. The Government of India Act of 1919 made great changes in the composition and functions of the provincial legislatures. Each Provincial Legislative Council was to consist of the members of the Executive Council of the Governor and the elected and nominated members. The size of these Provincial Legislatures was enlarged. Provision was made for general and special constituencies. Representation was given to various communities and interests. The Muslims and the Sikhs were given separate representation. Provision was also made for representation to the landholders, planters, mining interests, commerce and industries, universities, etc. The franchise for the Provincial Councils was lowered. The normal qualifications of a voter were based on community, residence, occupation of a house, assessment of income-tax receipt of a military pension, holding of a piece of land, etc. Provision was made for representation of women also.

The Act of 1919 provided for a dyarchical system of Government in the provinces. The Indian Ministers were in charge of the transferred subjects, and reserved subjects remained with the Governor and the members of his Executive Council. The Ministers were chosen by the Governors from the members of the Legislature. Provision was made for the election of a Speaker of the Legislative Council.

The Act provided for two Lists, *viz.*, Central List and Provincial List. The Provincial Legislature was given the power to make laws on matters given in the Provincial List. Its members were given the power of moving and passing resolutions on different subjects. They were also given the power of asking questions and supplementary questions. They were also empowered to move votes of censure against the Government. They were also allowed to demand the adjournment of the House to discuss important matters of recent occurrence. The Legislative Council was given the power to discuss the provincial budget and reject the same. However, it had no control over the non-votable items of the budget. If the budget was rejected, the Governor was authorized to restore the same.

There were certain limitations on the legislative powers of the Provincial Councils. In order to introduce certain bills, the previous sanction of the Government of India and the Governor was required. Even when a bill was passed by the Provincial Legislature, the Governor was empowered to certify, veto or reserve the same for the consideration of the Governor-General.

Act of 1935. Under the Government of India Act, 1935, provision was made for the establishment of two Houses of the Provincial Legislature in six provinces and only one House in the five provinces. The Upper House was known as the Provincial Legislative Council and the Lower House as the Provincial Legislative Assembly. The Upper House consisted of 21 to 65 members. Some of its members were elected and the others nominated by the Governor. The Legislative Council was a permanent body and one-third of its members retired after every 3 years. There was no change of the whole House at one time.

The Lower House consisted of 60 to 250 members. The life of the Lower House was 5 years but it could be dissolved earlier by the Governor. Its life also could be extended beyond 5 years by the Governor. It was provided that money bills were to be introduced only in the Lower House, although otherwise the powers of the two Houses were made equal. In the case of a conflict between the two Houses, provision was made for a joint sitting of two Houses.

It is to be noted that the powers of the Provincial Legislatures under the Act of 1935 were circumscribed. They were not given complete control over legislation. Even their control over the budget was not complete. About 50% of the provincial budget was non-votable. The Provincial Legislatures could not accomplish much.

New Constitution. Under the new Constitution of India which came into force on 26th January 1950 no distinction is made between the Indian States and the Provinces. They are all called States. In certain States, provision is made for two Houses of the State Legislature and in certain others, provision is made for a uni-cameral Legislature. Where there are two Houses, their names are Legislative Assembly and Legislative Council. Where there is only one House, it is called the Legislative Assembly. Article 169

of the Constitution provides for the abolition or creation of Legislative Councils in the States.

Provision is made for direct elections to the State Assemblies on the basis of adult suffrage. Approximately, one representative is elected for every 75,000 of the population. The total membership of a State Assembly is to vary from 60 to 500 according to its population. The life of the Assembly is 5 years, but it can be dissolved earlier by the Governor. Its life may be extended on the ground of an emergency.

The total number of the members of the Legislative Council is not to exceed one-fourth of the total number of members in the Legislative Assembly of that State. However, its membership is not to fall below 40. All the members of a Legislative Council are not elected. Some of them are nominated by the Governor. Others are elected by Municipalities, District Boards, Graduates, Teachers and members of the Legislative Assembly. It is a permanent House. One-third of its members retire after every two years.

As regards the powers of the State Legislature, they can make laws on the subjects given in the State List and the Concurrent List. However, if the Union Parliament passes a law on a subject included in the Concurrent List, the State Legislature cannot pass a law on that subject. The Constitution has provided for responsible Government in the States. The Government is in the hands of the Ministers who are not only the members of the Legislature but also responsible to it. The State Legislature has the right to pass a vote of no-confidence against the Ministry, reject the budget or pass resolutions or adjournment motions against the Government. The Legislatures are given autonomy in their own sphere.

Suggested Readings

SHARAN, PARMATMA : *The Imperial Legislative Council of India*, 1961.

CHAPTER XXI

GROWTH OF THE NATIONALIST MOVEMENT

The growth of political consciousness in India was not the result of a few agitators. On the other hand, it was the revival of a historical tradition and the liberation of the soul of the people. Many factors contributed towards its growth and some of them were as follows :

Causes. (1) The most important factor was British imperialism. It was British imperialism that brought about the unification of the country and enabled the people to think as one nation. Before the advent of the British, the people of the South were usually separate from the rest of India except for some short intervals. British imperialism made the people of the whole of India think as one nation. According to Prof. Moon, "British imperialism in India gave her a political unity under a third party in spite of the many discordant elements in Indian society."

(2) The establishment of British supremacy in India brought the Indians into intimate contact with the European countries, and the latter influenced them immensely. Nineteenth century in Europe was the century of nationalism and liberalism and the Indians learnt their lessons from the Europeans on both these points. If Germany and Italy could become independent, a natural question arose in the minds of the Indians as to why their own country could not be independent. The practical example of those countries created a spirit among the Indians to fight for the liberation of their country. When the Indians came into contact with the West, they were immensely influenced by the philosophy of liberalism. Thus it was that the ideas of liberty, rights and independence got into the heads of the Indians. According to Lord Ronaldshay, the new wine of Western learning went into the heads of the young Indians. They drank deep from the source of liberty and nationalism. Their whole outlook underwent a revolution.

According to Coupland, the Indians learnt from British history that British Liberalism had backed the cause of nations rightly struggling to be free in South America, in the Balkans, in Itlay, and in Ireland. They found that Britain was not only the most powerful champion of popular government in the West, but had also evolved a particular form of it, which seemed the best of all possible forms. They learnt, finally, that this particular British form of government, parliamentary responsible government, could be transplanted : that, in fact, since the morrow of the American Revolution, it had been gradually extended to the British self-governing colonies overseas.

(3) The improvements in the means of transport and communication also quickened the pace of nationalist movement in the

country. The Indian leaders found themselves in a position to carry on their national propaganda in every nook and corner of the country. Without these means of communication and transport, things would have been unthinkable. The frequent meetings of the leaders among themselves and their direct personal contact with the people in different parts of the country gave a momentum to the nationalist movement in the country.

(4) Many scholars, poets and religious reformers contributed towards the progress of the nationalist movement in the country. The study and republication of ancient Indian literature by the Asiatic Society and scholars like Maxmuller, Monier Williams, Colebrooke, Ranade, Har Prasad Sastri, R. G. Bhandarkar, Rajendra Lal Mitra, etc., revealed to the people of India the majesty of the Sanskrit language and also inculcated among them the feelings of pride in their past and a faith in the future.

(5) The religious and social reformers like Raja Ram Mohan Roy, Devendra Nath Tagore, Kishore Chandra Sen, P.C. Sarkar, Ishwar Chandra Vidyasagar, Swami Dayanand Saraswati, Ram Krishna Paramhans, Vivekanand, etc., presented a glorious picture of India's past and appealed to the people of India to bring back those good days once again. According to Col. Olcott, Swami Dayanand exercised "great nationalising influence upon his followers." According to Mrs. Annie Besant, "It was Dayanand Saraswati who proclaimed India for the Indians." Regarding the influence of Vivekanand, Nivedita remarked that "the queen of his adoration was his motherland." Like Dayanand, Vivekanand taught young India self-confidence and trust in her own strength. Mrs. Annie Besant also helped the cause of Indian nationalism by her writings and life's work.[1]

(6) The Indian Press and literature, both English and vernacular, also aroused national consciousness among the people of the country. Great was the influence of the papers like the "Indian Mirror," "Bombay Samachar," "The Hindu Patriot," "The Amrit Bazar Patrika," "The Hindu," "The Kesari," "The Bengalee," etc., on the political life of the country. The writings of Din Bandhu Mitra, Hem Chandra Banerjee, Navin Chandra Sen, Bankim Chandra Chatterjee, R. C. Dutt and Rabindra Nath Tagore also affected the minds of the people. The "Anand Math" of Bankim Chandra Chatterjee has rightly been regarded as "the Bible of modern Bengalee patriotism. Tagore and D. L. Roy gave us a lot of national poetry, songs and music.

The writings of the Indian patriots brought about a revolution in the minds of the Indians. It is the revolutionary minds that were responsible for the growth of Indian nationalism.

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1. "The last quarter of a century of British period was a time of rapid development in all departments of Indian life. Everywhere people were looking forward to the new India that was to be....The new India was not to be built up as late nineteenth century patriots had thought by copious draughts from the past but rather from the frequent injections from the energetic contemporary West."

(7) There was a lot of discontentment in the country on account of many causes. The masses suffered from economic troubles. The middle classes suffered from the bugbear of unemployment. All the rational Indians felt and bewailed the economic exploitation of their country. The British officials working in India were a very heavy drain on the Indian resources. The economic system of India was adjusted to the needs of the people of England. The interests of the Indians were completely ignored. According to Blunt, the vice of the Indian finance was that the Finance Minister of Indian looked more to the interests of Great Britain than to those of India. Sir Henry Cotton condemned the economic exploitation of India and the subsequent miseries of the people of the country. The Indians resented the attitude of the Englishmen towards them. The Europeans in India were arrogant. They had a very low opinion of the Indian character. They took pleasure in calling the Indians the creatures of an inferior bread, "half Gorilla, half Negro." They ridiculed the Indian black heathens "worshipping stocks and stones and swinging themselves on bamboo trees like bees." The European masters regarded the Indians as "the helots of the land, the hewers of wood and the drawers of water." No wonder, the relations between the Indians and the Europeans became strained.

Travelling in the upper class railway compartment was not for the Indians. Even the ruling chiefs while travelling in the upper classes, were bullied into unlacing the boots and shampooing the weary legs of the Sahabs just back from hunting excursions Assaults of Indians by Europeans were frequent. As they were tried by European juries, they very often escaped scotfree. The administration of criminal justice in such cases was "a judicial scandal." According to Garrat, "There was the long succession of murders and brutalities perpetrated by Englishmen upon the Indians which either went unpunished or in which, at the demand of the whole European community, only a small penalty was exacted. This scandal of which there were many flagrant instances in the sixties, has continued till recent times." (*An Indian Commentary*, pp. 116-17).

Sir Theodore Morrison, a member of the Indian Civil Service, wrote thus in 1890 : "It is an ugly fact which it is no use to disguise that the murder of the natives by Englishmen is no infrequent occurrence." The Europeans had certain maxims about the Indians. "The first was that the life of one European was worth those of many Indians. The second was that the only thing that an oriental understood was fear. The third was that England had been forced to lose many lives and spend many millions to hold India, and did she not merit some more substantial recompense than the privilege of governing India in a spirit of wisdom and unselfishness ?" This was bound to create a lot of bitterness between the rulers and the ruled. According to Edward Thompson, "Right at the back of the mind of many an Indian, the Mutiny flits as he talks with an Englishman—an unavenged, an unappeased ghost." (*The Other Side of the Medal*, p. 30).

(8) The free-trade policy of the Government of India stood in the way of the development of the country. Lala Murlidhar of the Punjab remarked thus in 1891 : "Free trade, fairplay between

nations, how I hate the sham. What fairplay in trade can there be between impoverished India and the bloated capitalist England ?" Again, "What are all these chandeliers and lamps and European-made chairs and tables, and smart clothes and hats, English coats and bonnets and frocks, and silver-mounted canes and all the luxurious fittings of your houses but trophies of India's misery, mementoes of India's starvation ?" According to D. E. Wacha, the economic condition of the people of India had deteriorated under the British rule. Forty million of Indians had to be contented with one meal a day. That was due to the tribute exacted by England from the starving peasantry and "exported to fructify there, and swell still further the unparalleled wealth of these distant isles." Sir William Hunter remarked thus in 1880 : "There remained forty millions of Indians who go through life on insufficient food." Lord Salisbury, Secretary of State for India, admitted in 1875 that the British rule was bleeding India white. W. T. Thornton remarked in 1880 that the annual tribute to English "tapped India's very heart blood and has dried up the mainsprings of her industrial position."

(9) Before the outbreak of the Mutiny in 1857, there were many Englishmen who honestly believed and worked for the good of the people of India. But during the Mutiny days, a lot of blood was shed on both sides. The Europeans also wreaked their vengeance on the helpless and innocent Indians after the Mutiny. It was the policy of oppression and repression which added to the discontentment in the country. The Indians were completely excluded from the legislatures in the country and also from the key-posts in the administration.

According to Zacharias, "The blight of distrust had begun to fall upon England's relations with India ; these people had mutinied once and committed dreadful atrocities—how could one trust them not to plan further sedition ? After the Mutiny, testifies an eye-witness, "the old sympathy with India changed to a feeling of repugnance : the old spirit of content with life and work in India, the old inclination to regard things in an Indian rather than an English light, gave place to a reluctance to stay in India longer than needs must, and a disposition to judge things by an emphatically English standard." According to Garrat, "The English killed their prisoners without trial and in a manner held by all Indians to be the height of barbarity....They massacred thousands of the civilian population.... General Neil gave orders to his lieutenants that certain villages were marked out for destruction and all the men inhabiting them were slaughtered, and the indiscriminate burning of their inhabitants occurred wherever our English armies moved."

(10) The English language played a very important part in the growth of nationalism in this country. It acted as the *lingua franca* of the intelligentsia of India. Without the common medium of the English language, it would have been out of the question for the Madrasis, Bengalees and the Punjabees to sit at one table and discuss the common problems facing the country.

As regards the effects of the study of English literature on the Indians, Tagore observed thus : "We had come to know England through her glorious literature which had brought a new inspiration into our young lives. The English authors, whose books and poems we studied, were full of love for humanity, justice, and freedom. This great literary tradition had come down to us from the revolution period. We felt its power in Wordsworth's sonnets about human liberty. We gloried in it even in the immature production of Shelley written in the enthusiasm of his youth when he declared against the tyranny of priestcraft and preached the overthrow of all despotisms through the power of suffering bravely endured. All this fired our youthful imaginations. We believed with all our simple faith that even if we rebelled against foreign rule, we should have the sympathy of the West. We felt that England was on our side in wishing to gain our freedom."

According to Sardar Panikkar, "The mining of ancient fortress of Hindu custom was a major achievement for the reason that it was uniformly spread all over India. Had the education been through the Indian languages, the emphasis of the movement would have been different from province to province according to the development, flexibility and character of the language used. No doubt the reformation of Hinduism would still have come about but it would not have been on an all-India basis. There would have been no master plan of change and instead of the Hindu community being unified, it would have split into as many different units as there are languages in India and would have repeated the pattern of Europe with its conglomeration of mutually hostile units within the same Christian community. From this development India was saved by the common medium of education which Macaulay introduced into India." (*Asia and Western Dominance*, p. 332).

(11) The ground was ready and the acts of omission and commission in the time of Lord Lytton accelerated the nationalist movement. The period from 1876 to 1884 has been called the seed time of Indian nationalism. Lord Lytton held his famous Delhi Durbar in 1877 at a time when the people of South India were suffering terribly from the destruction brought about by famine. The people wondered at the callousness of Lytton. An appropriate comment was made in these words : "Nero was fiddling while Rome was burning." The second Afghan War cost the Indian treasury a lot. No wonder, the Indians criticised Lytton mercilessly. In order to gag the Indian public opinion, Lytton passed the notorious Vernacular Press Act in 1878. The discriminatory provisions of this Act were universally condemned by the people belonging to all walks of life. According to Sir Erskine Perry, the Act was "a retrograde and ill-conceived measure, injurious to the future progress of India." No wonder, it was called the Gagging Act. Lytton also passed in 1878 the Arms Act. This Act made an invidious distinction between the Indians and the Europeans. While the Europeans were allowed to keep arms freely, Indians could not do so without a licence. According to Surendra Nath Banerjee, the Arms Act "imposed upon us a badge of racial inferiority." Such a measure was derogatory to the

self-respect of the people of India. Lord Lytton also removed the import duty on cotton manufactures with a view to helping the British manufacturers. This was resented by the Indians.

(12) It is true that Lord Ripon tried to remove some of the grievances of the Indians, but before he could do that, *the Ilbert Bill controversy* came to the fore. On this occasion, the Europeans behaved so shamefully that the Indians lost their faith in them. It became clear that the Indians could not expect any justice and fairplay from the Englishmen when their own interests were involved. Surendra Nath Banerjee remarked thus : "No self-respecting Indian could sit idle under the fierce light of that revelation. It was a call to high patriotic duty to those who understood its significance."

Before the effect of the Ilbert Bill controversy was over, the Indians had already organised themselves into the so-called Indian National Conference which met for the first time in December 1883 under the leadership of Surendra Nath Banerjee. The Conference was the fore-runner of the Indian National Congress which was founded in 1885. It may be noted that there were other organisations such as the British India Association of Bengal, the Bombay Presidency Association, the Madras Native Association and the Poona Sarvajanak Sabha.

Foundation of the Congress.

The first session of the Indian National Congress was held in Bombay towards the end of December 1885. It had been originally decided to hold at Poona. The initiative for the foundation of the Congress came from A. O. Hume, who was a retired British civilian. Hume has been universally acknowledged as the father of the Congress. He was born in 1829 He entered the Indian Civil Service in 1843 and was posted in Bengal. After serving in various capacities, he was appointed Secretary to the Government of India in 1870. He was sent back to the districts on the ground that he was inconveniently outspoken and expressed his views with great freedom without regard to the wishes and intentions of his superiors. Lord Lytton offered him the Lieutenant-Governorship of the Punjab, but the same was turned down. He also recommended his name for the post of the Home Member, but it was turned down by Lord Salisbury. During his official career, Hume had formed strong views in favour of an early attainment of self-government by India. When he retired in 1882, he began to evolve a definite scheme for creating united public opinion in India.

We are told that the original idea of Hume was to bring together the leading Indian public men to discuss the social matters of the country. It was Lord Dufferin who changed the original scheme of Hume. He suggested to him that the proposed organisation should perform the functions which Her Majesty's Opposition did in England. Lord Dufferin wanted the "Indian politicians to meet yearly and point out to the Government in what respects the administration was defective and how it could be improved." Hume changed the scheme according to the wishes of Lord Dufferin. The Congress was to act as a safety-valve for popular discontentment.

It was to provide a peaceful and constitutional channel for the expression of Indian unrest so that it might not drift towards terrorism. "It is clear the chief glory of the Congress movement is that it has swept away all fungoid undergrowth and sweetened all political agitation by working it out in the wholesome light of the day." It is sometimes stated that the object of Hume was to save the British Empire from disruption. However, the Congress was not expected to act as a bulwark of the British Empire in India. Hume was not a henchman of British imperialism. He had a passion for liberty. He clearly wanted the Congress to serve the people of India.

On 1st March 1883, Hume issued a circular letter to the graduates of Calcutta University in which the following passage occurs: "Constituting, as you do, a large body of the most highly educated Indians, you should, in the natural order of things, constitute also the most important source of all mental, moral, social and political progress in India. Whether in the individual or the nation, all vital progress must spring from within, and it is to you, her most cultured enlightened minds, her most favoured sons that your country must look for the initiative. In vain many aliens like myself love India and her children, as well as the most loving of these: in vain may they, for her and their good, give time and trouble, money and thought; in vain may they struggle and sacrifice; they may assist with advice and suggestions; they may place their experience, abilities and knowledge at the disposal of the workers, but they lack the essential of nationality, and the real work must ever be done by the people of the country themselves." It was also proposed that a beginning should be made with a body of 50 founders who were to act as a mustard seed of future growth. He added: "If only 50 men, good and true, can be found to join as founders, the thing can be established and the future development would be comparatively easy." The appeal did not fall on deaf ears. The required number of persons did come forward from all parts of India and the first meeting of the *Indian National Union* which was subsequently renamed Indian National Congress was arranged to be held at Poona in December 1885. However, the meeting had to be shifted to Bombay. W. C. Bonnerji, a leading barrister of Calcutta, was elected as president. A large number of delegates came from different parts of the country and the most important among them were Pherozshah Mehta, Dadabhai Naoroji, K. T. Telang, Dinshaw Wacha, etc. The meeting was truly a national gathering consisting of leading men from all parts of India.

In his presidential address, the President of the first Indian National Congress laid down the following as the objects of the Congress:

1. "The promotion of personal intimacy and friendship amongst all the more earnest workers in our country's cause in the various parts of the Empire.

2. "The eradication by direct friendly personal intercourse of all possible race, creed or provincial prejudices amongst all lovers of the country, and the fuller development and consolidation of those

sentiments of national unity that took their origin in our beloved Lord Ripon's ever memorable reign.

3. "The authoritative record of the matured opinions of the educated classes in India on some of the more important and pressing of the social questions of the day.

4. "The determination of the methods by which during the next twelve months it is desirable for native politicians to labour in public interest."

The second meeting of the Indian National Congress was held in 1886 in Calcutta. Lord Dufferin invited the members of the Congress as "distinguished visitors" to a garden party at the Government House. A similar welcome was given by the Governor of Madras in 1887. However, a change took place in the attitude of the Government towards the new-born organisation. After the Madras session in 1887, an aggressive propaganda was started among the masses. Hume published a pamphlet entitled "An O.d Man's Hope" in which he appealed to the people of England in the following words : "Ah Men ! well fed and happy ! Do you at all realize the dull misery of these countless myriads ? From their births to their deaths, how many rays of sunshine think you chequer their 'gloom-shrouded paths' ? Toil, Toil, Toil ; hunger, hunger, hunger ; sickness, suffering, sorrow ; these alas, alas, alas are the key-notes of their short and sad existence."

Hume made arrangements in England for agitation in the press regarding India. He was also able to enlist the support of a few members of the British Parliament. In April 1888, Hume made a vigorous speech at Allahabad in which he advocated propaganda among the masses of India in the same way as the Anti-Corn Law League had done in England. This was not liked by the British bureaucracy in India and it was suggested that the Indian National Congress be suppressed and Hume be deported to England. In October 1888, Sir A. Colvin, Lieutenant-Governor of the North Western Provinces, addressed a letter to Hume covering 20 printed pages and warned him of the consequences of his action. Hume's reply covered 60 pages. On account of the attitude of the bureaucracy, it became difficult to hold the session at Allahabad in December 1888. However, the Maharajadhiraj of Darbhanga, Sir Luchmesher Singh, helped the Congress by purchasing the property known as "Lowther Castle" where the session was held. Andrew Yule, a European magnate of Calcutta, presided over the Allahabad session.

The next session of the Congress was held in Bombay in December 1889. This session was attended by Charles Bradlaugh, a member of Parliament. Sir William Wedderburn presided over the deliberations. Bradlaugh spoke in such a loud and clear voice that it was heard not only in every corner of the Pandal, but also by the people outside. He declared thus : "For whom should I work if not for the people ? *Born of the people, trusted by the people, I will die for the people.*"

Dadabhai Naoroji, a member of the House of Commons, was elected the President of the Lahore session of the Congress which

was to be held in December 1893. His travel from Bombay to Lahore was a triumphal procession The citizens of various places on the way presented addresses. At the Sikh Golden Temple of Amritsar. he was invested with a robe of honour. Dadabhai brought the following message from the Irish members of the British Parliament: "Don't forget to tell your colleagues at the Congress that every one of Ireland's Home Rule members in Parliament is at your back in the cause of the Indian people."

The next session was held in Madras in 1894 and was presided over by Alfred Webb, an Irish member of Parliament. Surendra Nath Banerjee presided over the Poona session of the Congress held in 1895. It is stated that Banerjee had such a colossal memory that without looking at the printed address, he was able to repeat orally word for word the whole of his address. This he did for about two hours.

Gokhale presided over the Banaras session held in 1905. The next session was held at Calcutta in 1906 under the presidentship of Dadabhai Naoroji. At this session, Dadabhai unfurled the flag of Swarajya for India and the following resolution was passed: "Resolved that having regard to the fact that the people of this country have little or no voice in its administration and that their representations to the Government do not receive due consideration, this Congress is of opinion that the Boycott Movement inaugurated in Bengal, by way of protest against the partition of the Province was, and is, legitimate."

Surat Split (1907). The next session was to be held at Nagpur, but the venue had to be shifted to Surat on account of the unfavourable atmosphere at Nagpur. B. G. Tilak was opposed to the policy of the Congress at that time. He did not want the Congress to go back on the Congress Resolution of 1906 at the instance of the Moderates. On 23rd December 1907, he declared thus at Surat: "We have not come to cause a split in the Congress; we did not want to hold a separate Congress; we want to see that the Congress does not go back. We solemnly say that we want to see the Congress moving with the times. But the people who brought the Congress to Surat, although Nagpur was willing to have it, are going to drag the Congress back. They have no moral courage. They are against the word boycott though they are for Swadeshi. When you profess to accept Swadeshi, you must boycott Videshi (foreign) goods: without boycott Swadeshi cannot flourish. The fight is between two principles: (1) earnestly doing what is right, and (2) doing it but not displeasing the Government. I belong to the party which is prepared to do what it thinks right whether the Government is pleased or displeased. We are against the policy of mendicancy. Many young gentlemen in Bengal have gladly suffered for this attitude. No one has any authority to make the Congress recede from its ideal. We do not come here to embarrass the Moderates; but we are determined not to allow the Congress to retrograde. If they are not prepared to brave the dangers, let them be quiet, but they should not ask us to retrograde. We have come here to fight out constitutionally; we will behave as gentlemen even if our opponents

do not do so. Our opponents create rowdyism when they fear defeat. We are fighting against foreign autocracy. Why should we allow this home-autocracy? The Congress is an organisation of all people and the voice of the people should predominate. The policy of the Moderates is destructive. I don't want you to follow it; we want to progress."

All attempts on the part of Tilak and his colleagues failed to bring about a compromise between the Moderates and the Extremists before the open session of the Congress. Although the agenda of the Congress session was not distributed among the delegates. Tilak happened to get a copy of the draft of the proposed constitution of the Congress as prepared by Gokhale and a perusal of the draft showed that there was clearly a change in the objective of the Congress in the draft as compared with that of the Calcutta Congress held a year before. This was too much for Tilak and he pointed out that the proposed Constitution was a direct attempt to tamper with the ideal of self-government on the lines of self-governing colonies and to exclude the nationalists from the Congress by making the acceptance of the new creed a necessary condition of Congress membership. He declared that if he and his colleagues were assured that no sliding back of the Congress would be attempted, the opposition to the election of the President would be withdrawn. Tilak agreed to a joint committee representing the points of view of two sides to settle the question in dispute. However, the Moderates were not willing to compromise. They were determined to have things in their own way. The reaction of the Extremists was: "The retrogression of the Congress was a serious step not to be decided upon only by a bare accidental majority of any party, either in the Subjects Committees or in the whole Congress (as at present constituted) simply because its session happens to be held in a particular place or province, in a particular year; and the usual unanimous acceptance of the President would have, under such exceptional circumstances, greatly weakened the point and force of the position."

When the Congress met on 27th December 1907, the atmosphere was surcharged and there were all kinds of rumours The name of Rash Behari Ghosh was proposed for the presidentship. When Surendra Nath Banerjee got up to second the proposition, attempts were made to shout him down and pandemonium prevailed in the Pandal. The meeting had to be adjourned. The next day, Dr. Ghosh was elected the President. However, when he got up to deliver his presidential address, B. G. Tilak ascended the platform, stood in front of the President and demanded that he be allowed to address the audience. He refused to submit to the ruling of the chair that he could not be allowed to address at that stage. While this tussle was going on, the rank and file of the Extremists created trouble and there were clashes. All efforts to persuade Tilak failed. He stood with folded arms and refused to go to his seat unless he was bodily removed. Some persons from Nagpur and Poona rushed to the platform with lathies in their hands. A shoe was hurled from the audience and it struck Pherozshah Mehta. Pandemonium prevailed. Chairs were thrown at the dais and sticks were freely used. Nevinson, English journalist, has described the scene in these words:

"Suddenly something flew through the air. A shoe! a Marhatta shoe! reddish leather, pointed toe, sole studded with lead. It struck Surendra Nath Banerjee on the cheek; it cannoned off upon Sir Pherozshah Mehta. It flew, it fell, and at a given signal, white waves of turbaned men surged up the escarpment on the platform. Leaping, climbing, hissing the breath of fury, brandishing long sticks they came, striking at any head that looked to them Moderate, and in another moment, between brown legs, standing upon the greenbaize table, I caught the glimpses of the Indian National Congress dissolving in chaos." The session had to be suspended.

On 28th December 1907, a convention of the Moderates was held in the Congress Pandal from which the Nationalists were excluded, although some of them were ready and willing to sign the necessary declaration. Those who did not wish to go back from the position taken at the Calcutta Congress met at a separate place to consider what steps were to be taken to continue the work of the Congress. It was in this way that the Surat Session of the Congress ended. After the Surat Fiasco, it was clear that the Moderates were not prepared to yield to the Extremists. They knew that once the plant of Extremism was planted it was bound to grow. They were not prepared for any compromise and Tilak was ridiculed, abused and even called a traitor. The Moderate Press wrote such strong things as the following: "Tilak has been feeding the flames which have burnt the Congress to ashes. He is not a patriot, but a traitor to the country, and has blackened himself. May God save us from such patriots." In spite of the attacks from the Moderates, Tilak was prepared to accommodate them. He wrote thus in the *Kesari*: "It is a mistake to suppose that a difference of opinion as to ultimate ideals should prevent Indians from cooperating with one another, for gaining a common end. We see that Radicals, Socialists, Democrats and others, though labouring for widely different ideals, are able to cooperate with one another in Parliament for advancing the interests of their country as a whole. With this example before our eyes, does it not betake a lack of liberality to insist that the representatives of a certain school of Indian politicians should alone be admitted to the National Congress. The duty that lies before our politicians is not to seek to eradicate all differences of opinion but to secure the cooperation of men holding divergent views for the accomplishment of common ends. Whatever our differences may be about the ideals, we Moderates and Extremists should unite in carrying on the work of the National Congress. The rise of a new Party necessarily produces friction with the old but it is the duty of the wise men not to make much of this friction but to carry on national work in cooperation with the new Party."

In 1908, a change was made in the constitution of the Indian National Congress. According to the new constitution, delegates to the Congress were to be elected only by the Congress Committees and associations affiliated to the Congress and not by other bodies or public meetings. The result was that Extremists were excluded from the Congress and Tilak and his followers remained outside till 1915 when a compromise was brought about.

Three Stages. The history of the Congress could be divided into three stages : The first stage lasted from 1885 to 1905. This was the period of moderate nationalism. The Congress had not become revolutionary. Its leaders professed loyalty to the British Crown. The second stage lasted from 1906 to 1918. During this period the Congress entered the militant stage. It was also during this period that the Muslims left the Congress. The third stage started with the passing of the Government of India Act in 1919 and ended with the independence of India in 1947. This period can be called the Gandhian period or the Gandhian era. The Moderates left the Congress and organised themselves into an All-India Liberal Federation. During this period, the idea of Pakistan was born and progressed. It ended with the establishment of Pakistan itself. The Muslim League gained strength during this period.

It is difficult to go into details of achievements of the Congress from the beginning up to the present times. Suffice it to say that at the beginning it was not a revolutionary body. It was dominated by the moderate nationalists who were modest in their demands. The Indian patriots of that period believed in the British sense of justice and fairplay and were sure to get their grievances redressed from them. They did not believe in agitation or unconstitutional means. They carried on their work by means of public debates, propaganda, petitions, demonstrations and deputations. They believed in prayers and appeals. Their methods have been described as *political mendicancy*. According to G. N. Singh, the early Congress "with all its professions of loyalty, studied moderation and appealing, nay, begging tone, did in those days a great amount of spade work in national awakening, political education, and in uniting Indians and in creating in them the consciousness of a common Indian nationality." According to Dr. Pattabhi Sitaramayya, "We cannot blame them for the attitude they adopted as pioneers of Indian political reform, in more than we can blame the brick and mortar that is buried six feet deep in the foundation and plinth of a modern edifice. They have made possible the superstructure, storey by storey by colonial self-government, Home Rule within the empire, Swaraj and on the top of all complete independence." (*History of the Congress*, p. 99).

It is to be noted that the attitude of the British Government in India towards the Congress was favourable at the beginning. Lord Dufferin gave a reception to the delegates to the second Session. The Governor of Madras welcomed the delegates to the third Session of the Congress. But such an attitude did not last long. In 1888, Lord Dufferin condemned the Congress. He described it as representing a "microscopic minority" of educated Indians. In 1887, a person was asked to give security of Rs. 20,000 on account of his attending the session of the Congress in spite of the orders of the District Officer. In 1890, a circular was issued which forbade the Government officials from attending the meetings of the Congress. The Congress drifted towards a policy of criticism of the Government.

Rise of Extremism. There were certain factors which led to the rise of extremism in the Congress. The Indian Councils Act

of 1892 did not satisfy the aspirations of even the Moderates. It was contended that the policy of appeals and prayers had brought forth no result. It appeared that the Government of India considered that policy as a sign of weakness. Tilak observed thus : "Political rights will have to be fought for. The Moderates think that these can be won by persuasion. We think that they can only be obtained by strong pressure."

The constant economic drain on the resources of the country due to foreign domination added to the discontent in the country. The writings of men like Wacha, R.C. Datta and Dadabhai Naoroji proved that the impoverishment of the people of India was largely due to the deliberate policy of the British Government. The policy of the Government of India sacrificed the industries of India in the interest of British manufacturers. There seemed to be no prospects for Indian industries.

Another cause was the discontent created by the outbreak of famine in 1897. It affected about 20 million people and 70 thousand square miles of Indian territory. The attitude of the Government of India was rather unhappy. While the people were in the grip of famine, the Government of India was busy in celebrating the Jubilee Celebrations of Queen Victoria. The money which was required for the relief of the people was being wasted on needless celebrations. This was interpreted as an attitude of callousness on the part of the Government.

The outbreak of the Bubonic plague in Bombay Presidency also added to the discontentment among the people. It is true that the Government of India adopted certain measures to check the spread of the disease but the methods adopted by it were unfortunate. No consideration was shown for the sentiments of the people. Mr. Rand, the Plague Commissioner of Poona, was most ruthless in his operations. According to Ram Gopal, "Rand moved with a regular army of coolies and Policemen at his heels, pulled down infested dwellings, had the inmates forcibly removed to segregation camps. At many places beddings and clothes were burnt with the object of destroying plague germs. This would have been tolerated had the denuded people been provided germ-free clothes but this was not done. Similarly, essential articles of life were destroyed, leaving the owners thereof weeping and destitute. Rand entered any part of the house, even the kitchen or the room where the family idols were kept. Locks were freely picked to see if any plague cases were concealed in the closed houses. Armed Indian Police and European soldiers, with revolvers in their hands, rushed into the women's apartments. From the unlocked houses, household effects were sometimes removed, never to be returned. Huts were burnt down. Some soldiers employed in such parties broke open the cash boxes and safes of shopkeepers. Others believed that sewing machines could not in any way be disinfected and must be burnt. Another party thought it necessary to burn glass chandeliers, which they found in a house where a case had occurred. The whole proceedings resembled the sacking of a conquered town by the enemy." (*Lokamanya Tilak*, p. 137). Such

a state of affairs could not be tolerated by the people and no wonder, the Plague policy of the Government was attacked vigorously by the critics of the Government, particularly Tilak. The resentment was so much that Mr. Rand and one of his associates were shot dead when they were returning from the Government House, Bombay, after taking part in the Jubilee Celebrations of Queen Victoria.

Another cause was the revival of Hinduism and that brought ideals of extremism among the people. Swami Vivekananda attended in 1893 the Parliament of Religions at Chicago and explained to his audience the greatness of Hindu Religion. The Swami had faith in the spiritual mission of India and it was felt that the same was not possible without the independence of the country. The same was the case with Aurobindo Ghose who declared that "Independence is the goal of life and Hinduism alone will fulfil this aspiration of ours." Tilak was also the product of Hindu revival and, no wonder, he put great emphasis on the Hindu festivals and the consolidation of the Hindus for the emancipation of India. The Theosophical Society also made its contribution in this direction. According to Sir Valentine Chirol, "The advent of the Theosophists headed by Madame Blavatski, Col. Olkott and Mrs. Besant gave a fresh impetus to the revival and certainly no Hindu has so much organized and consolidated the movement as Mrs. Besant, who in her Central Hindu College at Banaras and her Theosophical Institution at Adyar near Madras has openly proclaimed the superiority of the whole Hindu system to the vaunted civilisation of the West. Is it surprising that the Hindus should turn their heads back upon our civilisation when a European of highly intellectual power and with an extraordinary gift of eloquence, comes and tells them that it is they who possess and have from all times possessed the key to supreme wisdom, that their gods, their philosophy, their morality, are on a higher plane of thought than the West has ever reached ?"

The exclusion of the intelligentsia of India from all the big jobs in the country created bitterness. The anti-Indian policy of Lord Curzon added to the discontentment already prevailing in the country. According to him, "The highest ranks of civil employment must, as a general rule, be held by Englishmen." He emphasized that it was only the Englishmen who by their birth and training were fit to rule India, and not the Indians. According to him, Providence had selected the Englishmen to rule over India and to give freedom to India was against the will of God. It need not be pointed out that such a theory of divine right to rule could not be palatable to the Indians who were learning to demand the right to govern themselves.

Lord Curzon was a bureaucrat *par excellence* and put the greatest emphasis on efficiency. He had no sympathy with the aspirations of the people of India. As a matter of fact, he ignored them altogether. He acted unmindful of the reactions of the people. He regarded the administration as a machine and acted only in the interests of the efficiency of the machine, although the people were

affected by the machine. His reign was full of "missions, omissions and commissions."

In 1899, he passed the famous Calcutta Corporation Act which completely officialised the Calcutta Corporation. The total number of the members of the Calcutta Corporation was reduced from 75 to 50. The 25 members who were eliminated were those persons who were the representatives of the people of Calcutta. The result of this measure was that there was a European majority in the Corporation. No wonder, the measure was vehemently condemned.

In 1904 was passed the Indian Universities Act. This law reduced the size of the syndicates, senates and faculties with a view to giving prominence to the Europeans. The result of this law was that the Indian Universities became the most officialised universities in the world. The Universities were practically left with no autonomy. The Indians felt that Curzon wanted to deal a blow at the university system in the country.

In 1904 also was passed the famous Official Secrets Act. This Act increased the powers of the Government. The definition of the term "sedition" was widened. The Official Secrets Act of 1889 and 1898 related to the disclosure of only military secrets. The Act of 1904 covered also the official secrets relating to the civil affairs and newspaper criticism which were likely to bring the government into suspicion or contempt.

Unmindful of the reactions of the people, Lord Curzon partitioned Bengal into two parts in 1905. Most probably, his object was to create a Muslim-majority province. The people of Bengal considered the partition to be a "subtle attack on the growing solidarity of Bengal nationalism." According to A. C. Mazumdar, the object of Lord Curzon in partitioning Bengal "was not only to relieve the Bengali administration but to create a Mohammedan Province where Islam could be predominant and its followers in ascendancy." The poeple of Bengal felt that they had been "humiliated, insulted and tricked." There was a vigorous agitation for the repeal of the partition of Bengal and the result was that the same was cancelled in 1911.

However, during the agitation, the popular sentiment threw up a song known as the *Bande Mataram* which reads thus :

Mother, I bow to thee !
Rich with thy hurrying streams,
Bright with thy orchard gleams,
Cool with thy winds of delight,
Dark fields waving, Mother of might ;
Mother free.
Glory of moonlight dreams,
Over thy branches and lordly streams
Clad in thy blossoming trees.
Mother, giver of ease,
Laughing low and sweet !
Mother, I kiss thy feet,

Speaker sweet and low !
Mother, to thee I bow.
Who hath said thou art weak in thy lands,
When the swords flash out in twice seventy million hands
And seventy million voices roar
Thy dreadful name from shore to shore ?
With many strengths who art mighty and stored,
To thee I call, Mother and Lord !
Thou who savest, arise and save !
To her I cry who ever her foemen drove
Back from plain and sea
And shook herself free.
Thou art wisdom, thou art law,
Thou our heart, our soul, our breath,
Thou the love divine, the awe
In our hearts that conquers death
Thine the strength, that nerves the arms,
Thine the beauty, thine the charm,
Every image made divine
In our temples is but thine.
Thou art Durga, Lady and Queen,
With her hands that strike and her swords of sheen.
Thou art Lakshmi lotus-throned,
And the Muse a hundred-toned,
Pure and perfect without peer,
Mother, lend thine ear.
Rich with thy hurrying streams,
Bright with thy orchard gleams,
Dark of hue, O candid-fair,
In thy soul, with jewelled hair
And thy glorious smile divine,
Loveliest of all earthly lands,
Showering wealth from well-stored hands !
Mother, mother mine !
Mother sweet, I bow to thee,
Mother great and free.

The treatment of the Indians in British colonies was another source of discontentment. Particularly in South Africa, they were regarded as pariahs. Meaningless restrictions were imposed on their movements. They could not walk on footpaths, or travel in first class railway carriages, or travel without passes or go out after 9 p.m. It was felt that the humiliating treatment of the Indians was due to the slavery of India and the only way to end that tyranny was the independence of India. Certain international events also had their repercussions on India. In the Russo-Japanese war of 1904-5, Japan defeated Russia. This was interpreted as a symbol of the rise of the East. The Indians could take inspiration from that event. If a Europeon nation could be defeated by an Asiatic power, it was also possible to drive away the English from India. A similar inference was drawn from the defeat of Italy by Abyssinia in the battle of Adowa in 1896.

A reference may be made to the *methods of the Extremists.* Those were boycott, Swadeshi and national education. Boycott was directed mainly against the foreign goods. It also included the boycott of government services, honours and titles. Both boycott and Swadeshi movements had great success. *The Englishman* of Calcutta wrote thus : "It is absolutely true that Calcutta warehouses are full of fabrics that cannot be sold. Many Marwari firms have been absolutely ruined, and a number of the biggest European houses have had either to close down their piece-goods branch, or to put up with a very small business. In boycott, the enemies of Raj have found a most effective weapon for injuring British interests in the country." Lala Lajpat Rai wrote thus : "We desire to turn our faces away from the Government House and turn them to the huts of the people. We want to stop our mouth so far as an appeal to the Government is concerned and open our mouth with a new appeal to the masses of our people. This is the psychology, this is the ethics, this is the spiritual significance of the boycott movement." The same writer declared thus : "An Englishman hates or dislikes nothing like beggary. I think a beggar deserves to be hated. Therefore, it is our duty to Englishman that we are no longer beggars." The same view was expressed by Shri B. G. Tilak in these words : *Our motto is self-reliance and not mendicancy.*

Sri Aurobindo Ghosh declared that "nationalism is a religion that comes from God." According to Desai, "Extremists leaders revive the memories of the Vedic past of the Hindus, the great phase of the reigns of Asoka and Chandra Gupta, the heroic deeds of Rana Pratap and Shivaji, the epic patriotism of Laxmibai, the Queen of Jhansi and leaders of 1857." Durga, Kali, Bhawani and other Hindu gods and goddesses were revived and it was believed that they alone could give the inspiration that was necessary for the emancipation of the country. According to Aurobindo Ghosh, "Independence in all our movements is the goal of life and Hinduism alone can fulfil this aspiration of ours."

B. C. Pal spoke of so organising the forces of the nation as to "compel the submission to our will of any power that may set itself against us." Again, "If the Government were to come and tell me today, 'Take Swaraj', I would say, 'Thank you', for the gift but I will not have that which I cannot acquire by my own hands." Regarding the boycott movement, B. C. Pal addressed his audiences in these words : "You may get a High Court Judgeship here, a membership of the Legislative Council there, possibly an executive membership of the Council. Do you want a larger number of Indians in the Civil Service ? The whole Civil Service might be Indian ; but the Civil Servants have to carry out orders. The supplanting of Europeans by Indian agencies will not make for self-government in this country. They say, 'Can you boycott all the Government offices ?' Whoever said we want ? What we can do is this. We can make the Government impossible without entirely making it impossible for them to find people to serve them. The administration may be made impossible in a variety of ways."

In this whirlwind tour of the country, Tilak declared that the

Moderates could not deliver the goods and the people should look up to the Extremists for the liberation of their country. The repetition of prayerful resolutions year after year could not bring any results. The remedy was not petitioning but boycott. To quote him, "We are not armed, and there is no necessity for arms either. We have a strong weapon, a political weapon in a boycott. The whole of this administration which is carried on by a handful of Englishmen, is carried on with our assistance. We are all in subordinate service. We are clerks and willing instruments of our own oppression in the hands of alien Government, and that Government is ruling over us not by its innate strength but by keeping us in ignorance and blindness to the perception of this fact. Every Englishman knows that they are a mere handful in this country, and it is the business of everyone of them to fool you into believing that you are weak and they are strong. What the New Party wants you to do is to realise the fact that your future rests entirely in your hands."

After the Surat Session, Tilak had no rest. Single-handed he started a many-sided struggle and spread the fire of patriotism in every nook and corner of Bombay Presidency. He made whirlwind tours and collected a lot of money for the various national causes. He asked his audiences to work for Swaraj and get ready for suffering which alone could bring Swaraj. In one of his meetings, he declared thus: "We are at present clamouring for Swaraj and therefore the Shivaji festival is the most fitting one for us to celebrate. If Shivaji was able to establish Swarajya two centuries ago we too may expect to achieve it some day. Swarajya belongs to us by birthright, The Moderates can be compared to Shivaji's father Shahji who always used to advise his son not to take up arms against the mighty Mohammedan monarchs of the Deccan. But Shivaji, who can be compared to the Extremists of the present day, gave a new turn to events. *We are masters of our fortunes and can govern them if we only make up our minds to do so. Swarajya is not far off from us. It will come to us the moment we learn to stand on our own legs*". His slogan at the meetings was: "*Swarajya is my birthright; I will have it.*"

As was to be expected, the Government of India regarded the growth of extremism with apprehension and danger. No stone was left unturned to suppress the advocates of extremism. They were arrested and imprisoned. Sections 124-A and 153-A were added to the Indian Penal Code to deal with the situation. By another law, the authorities were authorised to ban political organisations suspected of subversive tendencies and to conduct the summary trials of the political offenders. Two laws were passed in 1908 and 1910 to crush the Indian Press. In 1907, Lord Minto promulgated the Regulation of Meetings Ordinance which curtailed the right of the people to hold public meetings.

Between the passing of the Indian Councils Act of 1919 and the starting of the Home Rule Movement by Tilak and Mrs. Annie Besant, there was not much bitterness between the Congress on the one hand and the Government of India on the other. There were many factors responsible for this phenomenon. The extre-

mists were out of the political field. The Moderates were in charge of the Congress. Lord Hardinge followed a sympathetic policy towards the Congress. He expressed his feelings of sympathy for the national aspirations of the people of India. He went with them in the matter of the treatment of Indians in South Africa. It was during his regime that the partition of Bengal was cancelled, a thing determined by the Indian patriots. The result was that the Congress adopted a policy of conciliation. With regard to the visit of George V to India and the holding of the Delhi Durbar in 1911, Shri Ambika Charan Mazumdar declared: "Every heart is beating in unison with reverence and devotion to the British Crown, overflowing with revived confidence in and gratitude towards British statesmanship. Some of us never faltered—not even in the darkest days of our trials and tribulations—in our hope, in our conviction and in our faith in the ultimate triumph and vindication of British justice." We are told that when the Governor of Madras visited the Pandal of the Congress, the whole House cheered the Governor and a resolution was passed expressing the loyalty of the Congress to the British throne. In his speech delivered at Poona in July 1909, Gokhale asked for loyal cooperation with the British Government in India for two reasons : "One that, considering the difficulties of the position, Britain had done very well in India, the other that there was no alternative to British rule and could be none for a long time....They could proceed in two directions : first towards an obliteration of distinctions, on ground of race, between individual Indians and individual Englishmen and secondly, by way of advance towards the form of government enjoyed in other parts of the empire. The latter is an ideal for which the Indian people have to qualify themselves, for the whole question turns on character and capacity, and they must realise that their main difficulty lies with themselves." In October of the same year, he addressed the students of Bombay in these words : "The active participation of students in political agitation really tends to lower the dignity and the responsible character of public life and impair its true effectiveness."

Tilak was out of Indian politics from 1908 to 1914 on account of his long imprisonment in the Mandalay jail. During his absence, the politics of the country was dull. The Moderates were happy that their enemy was in the jail. However, things began to change after the release of Tilak in 1914. Tilak did not want to precipitate matters. He was willing to have a compromise with the Moderates. It is true that Gokhale started negotiations with Tilak for a compromise but Pherozeshah Mehta disapproved of Gokhale's action. The result was that negotiations broke down. Pherozeshah Mehta decided to have the next session of the Congress in Bombay so that he might be able to maintain his hold over the Congress. According to H. P. Mody, "He (Pherozeshah Mehta) was anxious to put an end once for all to the manoeuvres which had been going on for some years to effect a compromise which he regarded as mischievous, and he was confident that his personality and his immense influence in Bombay would carry everything before him. Therefore, he selected Sir Satyendra Sinha (later Lord Sinha of Raipur), a

former member of the Viceroy's Executive Council, for presidentship of the 1915 Congress but fate conspired against Mehta and he died a few weeks before the Congress came off. Fate conspired against the Moderate Party as, during the year, its other towering leader, Gokhale also passed away. The Congress was virtually left leaderless. Advancing years had made Dinshaw Wacha and Chandavarkar inactive; and as Dr. Pattabhi Sitaramayya observes in his *History of the Congress*, "Surender Nath Banerjee was not quite in tune with the new thought. Madan Mohan Malaviya was not in a position to lead the Congress on the Moderate lines nor had he the gift to force his way forward."

The Congress met in Bombay in 1915. The speech of Sinha came as a shock to the progressive elements in India. To quote him, "Even if the English nation were willing to make us an immediate free gift of full self-government, I take leave to doubt whether the boon would be worth having as such, for it is a common place of politics that nations like individuals must grow into Freedom, and nothing is so baneful in political institutions as prematurity; nor must we forget that India free can never be ancient India restored." The right of the Extremists to re-enter the Congress was admitted at the Bombay Congress and the Constitution of the Congress was suitably amended. Although Tilak was not present at the Bombay Session of the Congress, enough of heat was created by the Home Rule proposals of Mrs. Annie Besant. Her speeches and writings in 1915 had given rude shocks to the Moderates. The Bombay Session of the Congress saw the commencement of the ascendancy of the politicians of the Extremist School and the decline of the influence of the Moderates. The citadel of the Moderates was successfully attacked. The adoption of the resolution on self-government was interpreted as having converted the Congress into an Extremist league. The ground was prepared for Tilak and his colleagues.

Home Rule Movement. But this state of affairs did not last long. Mrs. Annie Besant and Mr. B. G. Tilak started the Home Rule Movement in 1916. There was nothing original or revolutionary about this movement. Annie Besant was not the enemy of the British Empire. She merely wanted to shake the people of India out of their sleep. She said: "*I am an Indian Tom Tom, waking up all the sleepers so that they may wake and work for their motherland.*" Her plan was merely "to disentangle the nationalist Extremists from their compromising alliance with the revolutionaries, to reconcile them to a position within the Empire and to bring them with the Moderates into line in the United Congress." She herself wrote thus: "In political reform, we aim at the building up of complete self-government from village councils, through district and Municipal Boards and Provincial Legislative Assemblies to a National Parliament, equal to its powers to the Legislative Bodies of the Self-Governing Colonies, by whatever name they may be called; also at the direct representation of India in the Imperial Parliament when that body shall contain representatives of the self-governing States of the Empire."

Mrs. Annie Besant made it clear that Home Rule was the birthright of the people of India and the people of this country were not prepared to take it as a reward of their services for the British Empire and their loyalty to the British throne. She wrote thus : "India does not chaffer with the blood of her sons and the proud tears of her daughters in exchange for so much liberty, so much right. India claims the right, as a Nation, to justice among the peoples of the Empire. India asked for this before the War, India asks for it during the War, India will ask for it after the War, but not as reward but as a right does she ask for it."

The Home Rule Movement reached its height in 1917. In that year, the Government of India took strong action against the movement. Mrs. Annie Besant was interned. There was a lot of agitation for her release. Tilak threatened to start passive resistance. The whole of the Indian atmosphere was surcharged with enthusiasm. But at this time came the famous announcement of the Secretary of State for India in August 1917. The announcement promised responsible government to the people of India by stages. The result was that by slow degrees the Home Rule Movement died out. Annie Besant was elected the President of the Congress in 1917. The same year Mr. Montagu visited India and toured the country and met the representatives of the people. The joint report was published in 1918 and the Government of India Act was passed in 1919.

The Terrorist Movement. Reference may be made to the Terrorist movement in India towards the end of the 19th century and the beginning of the 20th century. Terrorism was one of the phases of militant nationalism although it differed radically from political extremism as represented by Tilak. The revolutionaries did not believe in methods of appeal, persuasion and peaceful struggle. They were convinced that without violence, it was impossible to uproot an imperialism imposed and maintained by brute force. It was the reactionary and repressive policy of the British Government that exasperated them. They believed in violent action with a view to demoralising the administration and its Indian collaborators. They had no scruples to resort to armed raids and dacoities to help their movement.

The earliest storm centre of revolutionary nationalism was Maharashtra. In 1899, Mr. Rand, the hated Plague Commissioner, and Ayerst were murdered. It appears that Shyamji Krishna Varma was somehow connected with the murder of Rand but he managed to escape to London. He lived in obscurity up to 1905 and then he started the Indian Home Rule Society in London. He also started a monthly journal entitled the *Indian Sociologist*. With the help of S. R. Rana of Paris, six lectureships of Rs. 1,000 each and three of travelling scholarships of Rs. 2,000 each were offered to Indian students to go abroad for training themselves as national missionaries. One of such students who came to London was Vinayak Damodar Savarkar. After the escape of Shyamji Krishna Varma from London, Vinayak Savarkar became the leader of the revolutionary group at the India House. In 1909, he sent a parcel of 20

Browning automatic pistols with ammunition to Bombay concealed in the false bottom of a box forming part of the luggage of one Chaturbhuj Amin, who had been employed as a cook at the India House. The pistols were to be used by the members of the Abhinav Bharat Society which was working under the direction of Ganesh Savarkar, the brother of Vinayak Savarkar. Before the parcels reached India, Ganesh Savarkar had already been arrested on a charge of waging war against the Government and sentenced to transportation for life. The members of the Abhinav Bharat Society decided to murder Mr. Jackson, the District Magistrate of Nasik who had committed Ganesh Savarkar for trial and he was actually shot dead on 21st December 1909. For the murder of Mr. Jackson, three Brahmins were executed. The police discovered what came to be known as the Nasik Conspiracy. Thirty-eight persons were charged in that connection and twenty-seven of them were sentenced to various terms of imprisonment. The Nasik Conspiracy was the work of the Abhinav Bharat Society of Nasik. The society had also its branches in Gwalior and Satara.

In November 1909, an attack was made to blow off the carriage in which Lord and Lady Minto were driving through the city of Ahmedabad. Two cocoanut bombs were thrown which, however, did not explode in time.

Revolutionary propaganda was carried on in Bengal by Barindra Kumar Ghose, younger brother of Sri Aurobindo, and Bhupendra Nath Dutt, brother of Swami Vivekanand. To begin with, Barindra Kumar Ghose tried to preach "the cause of independence as a political propaganda was not enough. He started the *Yugantar* and through its columns carried on the political and religious instructions of the masses. In an article, he expounded his revolutionary gospel in these words : "Sri Kishna had said in *Gita* that whenever there is a decline of righteousness and a rise in unrighteousness, there shall be a reincarnation of God to rescue the good, to destroy the wrong-doer and to establish righteousness." Again, "At the present time, righteousness is declining and unrighteousness is springing up in India. A handful of alien robbers is running the crores of the people of India by robbing the wealth of India. Through the hard grinding of their servitude, the ribs of the countless people are being broken to pieces. Fear not, Oh Indians. God will not remain inactive. He will keep His word. Placing firm reliance on the promise of God, invoke His power. When the lightning of Heaven flashes in their hearts, men perform impossible deeds."

A programme was chalked out and it consisted of six items : (1) Hatred was to be created in the minds of the educated people of India against servitude by a vigorous propaganda in the Press. (2) The fear of unemployment and starvation was to be removed from the minds of the Indians and love of freedom and of the Motherland was to be inculcated in them. That was to be done by "soul stirring music and theatrical performances glorifying the lives of heroes and their great deeds in the cause of freedom and by patriotic songs." (3) The Government was to be kept busy by means of Bande-Mataram processions, Swadeshi conferences and boycott meetings. (4) Young-

men were to be recruited, organized in small bands and trained in physical exercises and use of weapons and were to be taught absolute obedience to rulers and the leaders. (5) Weapons were to be manufactured, purchased from foreign countries and smuggled into the country or manufactured in the country itself. (6) Money was to be raised for the Terrorist Movement by means of raids and dacoities. Their belief was that "the law of the English is established on brute force and if to liberate ourselves we too must use brute force, it is right that we should do so." An appeal was made to the youngmen of Bengal in these words: "Will the Bengali worshipper of Shakti shrink from the shedding of blood? The number of Englishmen in this country is not above one lac and a half, and what is the number of English officials in each district? If you are firm in your resolution, you can in a single day bring British rule to an end. *Lay down your life, but first take a life.* The worship of the Goddess will not be consummated if you sacrifice your lives at the shrine of Independence without shedding blood."

As a result of the work of B. K. Ghose and B. N. Dutt and their colleagues, a number of revolutionary societies were formed and one of them was the *Anusilam Samiti* or Society for the Promotion of Culture and Training. The society had its branches in Calcutta and Dacca and was modelled on the same lines as the secret societies in Italy and Russia. It embarked upon a programme of wholesale terrorism.

On 6th December 1907, an attempt was made to blow up by a bomb the train in which the Lieutenant-Governor was travelling. On 23rd December 1907, Mr. Allen, who was formerly the District Magistrate of Dacca, was shot in the back but the injury did not prove to be fatal. On 30th April 1908, Mrs. and Miss Kennedy were murdered. The actual facts are that Mr. Kingsford was hated by the terrorists on account of the heavy punishments inflicted by him on the Swadeshi workers. The infliction of corporal punishment on respected youngmen was particularly resented. Susil Sen, a boy of 15, was flogged in public for the offence that he was mixed up in a public fracas. The terrorists decided to murder him. A clever device was thought of to achieve the objective but failed. They cut out the middle portion of the leaves of a book borrowed from Mr. Kingsford and put a bomb into the hollow thus created. It was thought that when Mr. Kingsford would open the book, the bomb would burst and kill him. The scheme failed as Mr. Kingsford did not require the book immediately and never opened it. The scheme having failed, Khudi Ram Bose and Profulla Chakie were deputed to murder Kingsford. When both of them were going to the bungalow of Mr. Kingsford, they saw a carriage coming from that direction. They thought that the occupant of the carriage was Mr. Kingsford and threw a bomb into the carriage. Unfortunately, it was not Kingsford who was killed but Mrs. and Miss Kennedy. Profulla Chakie shot himself but Khudi Ram Bose was arrested, tried and hanged. According to Chirol, "So, for the nationalists of Bengal, he became a martyr and a hero. Students and many others put on morning for him and schools were closed for two or three days as a tribute to his memory. His

photographs had an immense sale and by and by the young bloods took to wearing Dhotis with Khudi Ram Bose's name woven into the borders of the garment."

The Government was able to unearth a conspiracy in Calcutta and captured some bombs, dynamite, cartridges and correspondence which led to the arrest and trial of about 39 persons including Aurobindo Ghose, his brother B. K. Ghose, Hem Chandra Das and Narendra Gosain. Kanai Lal Dutt and S. N. Bose were separately tried and executed. Heavy punishments were inflicted on the remaining 36 accused. Narendra Gosain became an approver but he was shot dead by his companions in the jail. Nandlal, the Sub-Inspector who had arrested Khudi Ram Bose, was murdered. Asutosh Biswas who had acted as public prosecuter in the Gosain murder case and the Alipur case, was shot dead. Shamsul Alam, Deputy Superintendent of Police, who was connected with the Alipur case, was also shot dead. On 7th November 1908, an attempt was made to shoot Sir Andrew Fraser, the Lieutenant-Governor of Bengal, but the attempt failed. The terrorists of Bengal did not spare the police officers, the magistrates, prosecuting lawyers, hostile witnesses, traitors, betrayers and approvers. One and all, they were all shot. The consequences were absolutely immaterial to the revolutionaries.

Madanlal Dhingra, who was in England at that time, protested against the inhuman punishments inflicted on the terrorists in India and consequently shot on 1st July 1909, Sir William Curzon Wyllie, the Political A.D.C. at the India Office in London. He was arrested and executed. Vinayak Savarkar was also arrested and sentenced to transportation for life.

In 1907, B. C. Pal toured the Madras Presidency and preached the gospel of Swaraj. He himself was imprisoned for six months for his refusal to give evidence against Sri Aurobindo. When he was released, two of his admirers from Madras celebrated his release by holding a public meeting, hoisting the flag of Swaraj and pledging to boycott everything foreign. Both of them were arrested by the Government and that led to a riot in Tinnevelly. According to the Sedition Committee Report, "It was marked by wholesale and deliberate destruction of government property in open defiance of constituted authority. Every police building in Tinnevelly, except the Sub-Registrar's Office, was attacked. The furniture and records of these buildings were set on fire as well as portions of the buildings themselves ; the municipal office was gutted. Twenty-seven persons were convicted and sentenced for participation in the riot."

Pondicherry was also the centre of revolutionary work. M. P. Tirumal Acharya and V. V. S. Aiyer were the guiding spirits. Mr. Aiyer prepared youngmen at Pondicherry by giving them training in the use of revolvers. One of the trainees was Vanchi Aiyer who shot Mr. Ashe, District Magistrate of Tinnevelly, on 17th June 1911. He was arrested, tried and executed. His companions were also arrested and executed in the famous Tinnevelly Conspiracy case.

Some revolutionary work was done by Shyamji Krishna Varma Cama and Madame Cama and S. R. Rana from Paris. Another

centre of revolutionary work was on the Pacific coast of America. The Indo-American Association and the Young India Association had their headquarters in California and branches at other places in the U.S.A. According to Chirol, "The moving spirits are students, chiefly from Bengal who have found ready helpers amongst the Irish-American Fenians. They have also been able to make not a few converts amongst the unfortunate British Indian immigrants who suffered heavily from the anti-Asiatic campaign along the Pacific slope, and some of these converts, being Sikhs and soldiers, were of special value, as through them direct contact could be established with the regiments to which they had belonged, or at any rate with the classes from which an important section of native army is recruited. Large quantities of seditious leaflets, circulated and broadcast three years ago among sepoys, were printed in America."

The revolutionary movement was very active in Bengal and the Punjab also during 1913-16. About 16 outrages were committed in Bengal in 1913 and 19 in 1914. The number was much more in 1916. Some of the revolutionaries of the Punjab were responsible for an attempt on the life of Lord Hardinge, Governor-General of India. The Delhi Conspiracy case resulted in death sentence on Amir Chand, Avadh Behari Balmukund and Basant Kumar Biswas. The return of the Sikh emigrants from Canada helped the cause of the revolutionary movement in the Punjab.

Many causes were responsible for the decline of the revolutionary movement in India. It was confined to a small circle of youngmen and there was no public backing. The terrorist movement had no central organization to direct its activities. The upper middle class leadership was not sympathetic towards this movement. Leaders like Sir Asutosh Mukerjea and S. N. Bannerjea asked the Government to take drastic measures against the terrorists. The emergence of Mahatma Gandhi as the leader of the Indian Nationalist Movement also led to the gradual decline of the revolutionary movement. The Gandhian technique of non-cooperation, civil disobedience and non-violence appealed more to the people of India than the activities of the terrorists. No wonder, they went into the background. However, the Hindustan Socialist Republican Party tried to meet the terrorism of Government "with an even greater terrorism." Sardar Bhagat Singh, Jutendra Nath Das and Chander Shekhar Azad were the revolutionaries who staked their lives for the sake of the country. The terrorists also played their part during the rebellion of 1942, the mutiny of the Royal Indian Navy and the crusade of the Indian National Army of Subhas Chandra Bose.

The First World War ended in 1918. During the great war, the Indians had helped the British Government with men and money. Everything had been done by the Indians to further the war-efforts of the British Government. During the period of the war the Indians suffered on account of high prices, low wages and the shortage of supplies. Plague and influenza also took a heavy toll. The liberty of the people was restricted on account of the working of the Defence of India Rules. The people put up with the acts of high-handedness of the British officers in the matter of recruitment and the collection

of war-funds. After having done all that, the people were not at all happy at what was given to them by the Report of 1918. Mrs. Annie Besant rightly stated that the scheme was "ungenerous for England to offer and unworthy for India to accept." When India was in this mood, the Government of India passed the infamous Rowlatt Act in 1918 in spite of opposition from all quarters. The result was that a wave of anger spread all over India and even the Moderates joined hands with other Indians. The Act was a very drastic one. It gave the Government powers to crush popular liberties, to arrest and detain suspected persons without warrant and to imprison them without regular trial.

Mahatma Gandhi who had been loyal to the British Government throughout the First World War came to the forefront and asked the people to offer Satyagraha against the Act. There was great enthusiasm throughout the country. Hartals were observed with great success. Hindus and Muslims co-operated with one another. But Mahatma Gandhi all of a sudden suspended the Satyagraha because there was a clash in Delhi and disturbances at other places. Later on, Mahatma Gandhi had to confess that he had made a "Himalayan miscalculation." But the mischief was done.

Jallianwala Bagh Tragedy (1919). Great atrocities were committed in the Punjab during the regime of Sir Michael O'Dwyer, Lieutenant-Governor of the Punjab. Sir Michael was known as the Iron Man of the Punjab He had no faith in political reforms and consequently had no sympathy with the political agitators. He had forbidden Tilak and B. C. Pal to enter the Punjab. According to Coldstream J. the methods adopted by Sir Michael to raise war loans and to find recruits were very frequently unauthorised and oppressive. After the publication of the Rowlatt Committee Report, the Government of India framed two bills to give effect to the recommendations of the Rowlatt Committee. The result was that the Anarchical and Revolutionary Crimes Act, 1919 or the Rowlatt Act was passed. The object of this Act was to purify politics and to safeguard the lives and property of the people against the outbursts of anarchy and revolution. The Act provided for the speedy trial of offences without commitment without any right of appeal. A special court consisting of three judges of a High Court was to be set up and it could meet at any place and *in camera*. The court could admit evidence which was otherwise not admissible under the Indian Evidence Act. The unanimity of opinion of the judges was required in the case of a sentence of death but ordinary decisions could be given by a majority of the judges. The decision of the Special Court was final. The Act empowered the Provincial Governments to order any person who was believed to be connected with any movement likely to lead to the commission of offences against the State, to furnish security or notify his residence or reside in a particular area or to abstain from any act specified or to report himself to the police. The Act also provided for the search of a place and the arrest of a suspected person without warrant and his confinement in such place and under such conditions and restrictions as it may specify. The period was limited to one year in the first

instance and to three years in all. The Act was passed by the Government in spite of the opposition of the people of India and the members of the Legislative Councils. Sir Tej Bahadur Sapru warned the Government in these words : "My Lord, already there is a wave of indignation in the country ; from one end to the other protest meetings are being held. My Lord, you are going to throw the country into a whirlpool of agitation, such as it has never witnessed before."

Mahatma Gandhi also wrote to the Viceroy that the action of the Government left him with no other option but to resort to Satyagraha. The Satyagraha Sabha was started at Bombay and the Satyagraha pledge was taken by its members. The pledge was in these words : "Being conscientiously of opinion that the Bills are unjust, subversive of the principle of liberty and justice and destructive of the elementary rights of individuals, we solemnly affirm that in the event of these becoming law and until they are withdrawn, we shall refuse civilly to obey those laws and such other laws as a committee to be hereafter appointed may think fit and we further affirm that in this struggle we will faithfully follow the truth and refrain from violence to life, person or property." The warning of Gandhiji and the Satyagraha pledge had absolutely no effect on the Government. The result was that Mahatma Gandhi declared 30th March 1919 as the day of Hartal all over India. Later on, the date was changed to 6th April 1919. At many places, Hartal was observed both on 30th March and 6th April. The Hartal at Delhi on 30th March was very significant. There were clashes between the people and the police. A large number of citizens were killed by the police firing. Mahatma Gandhi decided to come to Delhi to see things for himself but when he reached the Palwal Station, he was arrested and sent back to Bombay.

On 7th April 1919 Sir Michael O'Dwyer, Lieutenant-Governor of the Punjab, gave the following warning to the people of the Punjab : "The Government of this Province is and will remain determined that the public order, which was maintained so successfully during the time of war, shall not be disturbed in times of peace. Action has, therefore, already been taken under the Defence of India Act against certain individuals at Lahore and Amritsar. The recent puerile demonstrations against the Rowlatt Act in both Lahore and Amritsar indicate how easily the ignorant and the credulous people can be misled. Those who only want to mislead them incur a serious responsibility. Those who appeal to ignorance rather than to reason have a day of reckoning in store for them." Amritsar observed Hartal peacefully both on 30th March and 6th April. However, on 9th April 1919, the Government of the Punjab passed orders for the deportation of Dr. Satyapal and Dr. Kitchlew and their internment at Dharamsala under the Defence of India Act. On 10th April, they were removed by the police from Amritsar. When the people came to know of it, complete Hartal was declared in the city. The people marched in a procession to the residence of the Deputy Commissioner to demand the release of their leaders. They had no sticks or lathis with them. However, they were checked by the

police at the railway level-crossing and there was firing. This infuriated the mob and there was wholesale burning of whatever fell in their way. Europeans were assaulted. The buildings of the National and the Alliance Banks were burnt. The godowns were looted. The European manager was killed. The buildings of the Town Hall and other public buildings were burnt. When the troops appeared in the city, the mobs disappeared. On 11th April, the people were allowed to arrange for the funeral of the dead bodies.

On 12th April 1919, a proclamation was issued by General Dyer, who had taken charge of the troops the day before, that no meetings or gatherings of the people were to be held. However, no steps were taken to see that the proclamation was brought to the notice of the people living in the various localities of the city. The result was that it was announced on 12th evening that there would be a public meeting on 13th April 1919 at 4-30 p. m. in the Jallianwala Bagh. Neither General Dyer nor other authorities took any action to stop the meeting. 13th April was the Baisakhi Day.

The meeting started at the right time in the Jallianwala Bagh on 13th April and there were about 6,000 to 10,000 persons present in the meeting. All of them were practically unarmed and defenceless. The Jallianwala Bagh was closed practically on all sides by walls except one entrance. General Dyer entered the Jallianwala Bagh with armoured cars and troops. Without giving any warning to the people to disperse, he ordered the troops to fire and he continued to do so till the whole of the ammunition at their disposal was exhausted. According to Chirol, "The panic-stricken multitude broke at once, but for ten consecutive minutes he kept up a merciless fusillade—in all 1,650 rounds—on that seething mass of humanity, caught like rats in a trap vainly rushing for the few narrow exits or lying flat on the ground to escape the rain of bullets, which he personally directed to the points where the crowd was thickest. The 'targets', to use his own words, were good, and then at the end of those ten minutes, having almost exhausted his ammunition, he marched his men off by the way they came. He had killed, according to the official figures, only wrung out of Government months later, 379, and he left about 200 wounded on the ground for whom, again to use his own words, he did not consider it his job to take the slightest thought." Lala Girdharilal gave the following account of the tragedy before the Hunter Enquiry Committee : "I saw hundreds of persons killed on the spot. The worst part of the whole thing was that firing was directed towards the gates through which the people were running out. There were small outlets, four or five in all, and bullets actually rained over the people at all these gates and many got trampled under the feet of rushing crowds and thus lost their lives. Blood was pouring in profusion. Even those who lay flat were shot. No arrangements were made by the authorities to look after the dead or wounded. I then gave water to the wounded and rendered such assistance as was possible. I went round the people and saw almost everybody lying there. There were heaps of them at different places The dead bodies were of grown up people and young boys also. Some had their heads cut open, others had eyes shot and nose,

chest, arms or legs shattered. I think there must have been over 1,000 dead bodies in the garden then. I saw people were hurrying up and many had to leave their dead and wounded because they were afraid of being fired upon again after 8 p.m."

The contention of General Dyer was that "he wanted to teach them (people) a lesson so that they might not laugh at him. He would have fired, and fired longer, he said, if he had had the required ammunition. He had only fired 1,600 rounds because his ammunitions had run out."

The regime of General Dyer saw some unthinkable punishments. The water and electric supply of Amritsar were cut off. Public flogging was common. However, the "crawling order" was the worst of all. Miss Sherwood, a Lady Doctor, had been attacked by the people when she was cycling in a lane. The result was that General Dyer ordered that everyone passing through that lane must crawl with belly on the ground. All who lived in the said lane had to obey that order although Miss Sherwood was protected in that lane by the decent citizens. The issue of third-class tickets on the railway was prohibited and the result was that the common people could not travel. More than two persons were prohibited from marching on side-walks or pavements. Bicycles, other than those owned by Europeans, were commandeered. People who had closed their shops were forced to open them or had to suffer severe penalties. Prices of commodities were fixed by military authorities. A public platform for whipping was constructed near the fort. A number of triangles for flogging were constructed in various parts of the city. Martial Law Commissioners tried 298 persons at Amritsar. 51 persons were sentenced to death, 46 to transportation for life, two to imprisonment for ten years, 79 for seven years, ten for five years, thirteen for three years and eleven for lesser periods. 105 persons were convicted under Martial Law by the Civil Magistrates.

The administration of Martial Law was more intensive in Lahore than elsewhere. The curfew order was enforced and the people who went out after 8 p.m. were liable to be shot, flogged, fined or imprisoned, or otherwise punished. Those who closed their shops were ordered to open them, and the alternatives were either to be shot or have the shops publicly opened and their contents distributed free to the public. Occupiers of premises on whose walls Martial Law notices were posted were ordered to protect them and they were liable to punishment if in any way they were defaced or torn, although they could not stay out to watch them. Students of colleges were ordered to report themselves four times a day to the military authorities at varying places of assembly. Langars or public kitchens opened by public-spirited people were ordered to be closed. Motor cars and motor bicycles belonging to the Indians were ordered to be delivered up to the military authorities and were given to the officials for their use. Electric fans and other electric things belonging to the Indians were commandeered for the use of the British soldiers. Public conveyances were ordered to report themselves daily at places which were far away from the city. Three hundred tonga drivers were commandeered. Those who were allowed to ply for hire were

ordered to report themselves at different places at different times. A Martial Law notice was torn from one of the walls of one college and the result was that the whole of the professorial staff, including the Principal, was arrested and taken to the Fort where they were kept for three days in military custody. Colonel Johnson was in charge of Martial Law administration at Lahore.

There was bombing at Gujranwala. Major Carbey described his own achievements in these words : "The crowd was running away and he fired to disperse them. As the crowd dispersed, he fired the machine-gun into the village itself. He supposed some shots hit the houses. He could make no discrimination between the innocent and the guilty. He was at a height of 200 feet and could see perfectly what he was doing. His object was not accomplished by the firing of bombs alone. The firing was not intended to do damage alone. It was in the interest of the villagers themselves. By killing a few, he thought he would drive the people from collecting again. This had a moral effect. After that he went over the city, dropping bombs, and fired at the people who were trying to get away."

Gujranwala, Kasur and Sheikhupura had their curfew order, prohibition of travelling for Indians, public and private floggings, wholesale arrests and punishments by Summary Courts and Special Tribunals.

The action of General Dyer was approved by Sir Michael O'Dwyer in these words : "Your action correct. Lieutenant-Governor approves."

Sir Sivaswamy, President of the All-India Moderates Conference, 1919, observed thus : "The wholesale slaughter of hundreds of unarmed men at Jallianwala Bagh without giving the crowd an opportunity to disperse, the indifference of General Dyer to the condition of hundreds of people who were wounded in the firing of machine guns, into crowds who had dispersed and taken to their heels, the flogging of men in public, the order compelling thousands of students to walk 16 miles a day for roll-calls, the arrest and detention of 500 students and professors, the compelling of school children of 5 to 7 to attend on parade to salute the flag, the order imposing upon owners of property the responsibilities for the safety of the Martial Law posters stuck on their properties, the flogging of a marriage party, the censorship of mails, the closure of the Badshahi mosque for six weeks, the arrest and detention of people without any substantial reason especially of people who had rendered services to the State....the flogging of six of the biggest boys in the Islamia school simply because they happened to be school boys and big boys, the construction of an open cage for the confinement of arrested persons, the invention of novel punishments like the crawling order, skipping order....the handcuffing and roping together of persons and keeping them in open trucks for 15 hours, the use of aeroplanes and Lewis guns....against unarmed citizens, the taking of hostages and the confiscation and destruction of property for the purpose of securing the attendance of absentees, the hand cuffing of Hindus and Mohammedans in pairs with the object of demonstrating the consequences of Hindu-Muslim unity, the cutting of electric and

water supplies from Indian houses, the removal of fans from Indian houses and giving them for use to Europeans, the commandeering of all vehicles owned by Indians and giving them to Europeans for use, the feverish disposal of cases with the object of forestalling the termination of martial law, are some of the many incidents of the administration of martial law which created a reign of terror in the Punjab and have shocked the public."

According to Annie Besant, "I have been shocked to read the evidence given by the Military authorities before the Hunter Committee. Nothing more than is recorded out of their own mouths was done by the Germans in Belgium." Sir Rabindranath Tagore was so much distressed by the happenings in the Punjab that he gave up the knighthood which had been conferred on him by the Government of India. In his letter addreseed to the Vicesoy on that occasion, he observed thus : "The accounts of the insults and sufferings undergone by our brothers in the Punjab have trickled through the gagged silence reaching every corner of India and the universal agony of indignation roused in the hearts of our people has been ignored by our rulers, possibly congratulating themselves for imparting what they imagine salutary lessons......knowing that our appeals have been in vain and that the passion of vengeance is blinding, the noble vision of statesmanship in our Government, which could so easily afford to be magnanimous as befitting its physical strength and moral traditions, the very least I can do is to take all consequences on my self in giving voice to the protest of the millions of my countrymen suppressed into a dumb anguish of terror.

"The time has come when badges of honour make our shame glaring in their incongruous context by humiliation, and I, for my part, wish to stand shorn of all special distinction by the side of these of my countrymen who, for their so-called insignificance, are liable to suffer a degradation not fit for human beings, and these are the reasons which have painfully compelled me to ask your Excellency, with due deference and regret, to release me of my title of knighthood."

While there was general resentment all over the country on account of the anti-Indian attitude of the British bureaucracy in India, certain other events took place. In 1920 was made the Treaty of Sevres between Turkey and the Allies. This treaty practically dismembered Turkey. This was too much for the Muslims of India. They accused the British Government of the breach of their promises given during the war. A powerful Khilafat Movement was started in India. Its object was the preservation of the Turkish Empire and the continued existence of the Khilafat as a temporal no less than a spiritual institution. Mahatma Gandhi took up the cause of the Muslims. To Mahatma Gandhi, the Khilafat question seemed to offer an opportunity for uniting both the Hindus and the Muslims. A special Session of the Congress was held at Calcutta and the other one at Nagpur in 1920.

Before 1920, the creed of the Congress was the following : "The objects of the Indian National Congress are the attainment by the people of India a system of Government similar to that enjoyed by

the self-governing members of the British Empire and participation by them in the rights and responsibilities of the Empire on equal terms with those members. These objects are to be achieved by constitutional means by bringing about a steady reform of the existing system of administration and by promoting national unity, fostering public spirit and developing and organising the intellectual, moral, economic, and industrial resources of the country." This was changed in 1920 to the following effect : "The object of the Indian National Congress is the attainment of Swarajya by the people of India by all legitimate and peaceful means." Jinnah strongly opposed the change in the creed of the Congress. As his point of view was not accepted, he left the Congress.

Non-Cooperation Movement. The Congress under the leadership of Mahatma Gandhi decided to start the Non-Cooperation Movement in 1920. It was truly a revolutionary step. It was for the first time that the Congress decided to follow a policy of direct action. Many causes were responsible for this revolutionary change. Mahatma Gandhi had so far believed in the justice and fairplay of the British Government and had given his full cooperation to the Government during the First World War. However, the tragedy of the Jallianwala Bagh, the Martial Law in the Punjab and the findings of the Hunter Committee destroyed his faith in the good sense of the Englishmen. He felt that the old methods must be given up. After the withdrawal of the liberals from the Congress, the Extremists were in complete charge of the Congress and it was possible for the Congress to adopt a revolutionary programme. The terms of the Treaty of Sevres which was entered into between Turkey and the Allies, were very severe and were resented by the Muslims of India. The Muslims of India had tried to persuade the British Government to show leniency to Turkey but they had got a flat refusal from the British Government. There was great resentment against the British in the country. The Muslims had started the Khilafat Movement and Mahatma Gandhi had identified himself with them in that movement. Under the circumstances, Mahatma Gandhi was sure that if the Congress started the Non-Cooperation Movement, there was every possibility of the Muslims joining hands with the Congress. Such a golden opportunity was not to be missed. It was under these circumstances that Mahatma Gandhi thought of starting the Non-Cooperation Movement.

A special session of the Congress was held at Calcutta in September 1920 under the Presidentship of Lala Lajpat Rai and Mahatma Gandhi himself moved the Non-Cooperation resolution. There was a lot of opposition, particularly from C. R. Dass, B. C. Pal, Annie Besant, Jinnah and Malaviya. However, the resolution was carried by a majority of 1,855 against 873. The Non-Cooperation resolution as passed by the Congress ran thus : "In view of the fact that on the Khilafat question both the Indian and Imperial Governments have signally failed in their duty towards the Mussalmans of India and the Prime Minister has deliberately broken his pledged word given to them, and that it is the duty of every non-Muslim Indian in every legitimate manner to assist his Mussalman brother in

his attempts to remove the religious calamity that has overtaken him; and in view of the fact that in the matter of the events of April 1919, both the said Governments have grossly neglected or failed to protect the innocent people of the Punjab and punish officers guilty of unsoldierly and barbarous behaviour towards them, and have exonerated Sir Michael O'Dwyer, who proved himself directly responsible for most of the official crimes and also callous to the suffering of the people placed under his administration ; and in view of the fact that the debate in the House of Commons and specially in the House of Lords, betrayed a woeful lack of sympathy with the people of India and showed virtual support of the systematic terrorism and frightfulness adopted in the Punjab ; and that the latest Viceregal pronouncement is proof of the entire absence of repentance in the matters of the Khilafat and the Punjab ; this Congress is of the opinion that there can be no contentment in India without redress of these two wrongs, and that the only effectual means to vindicate national honour and to prevent a repetition of similar wrongs in future is the establishment of Swaraj.

"This Congress is further of opinion that there is no course left open for the people of India but to approve of and adopt the policy of progressive, non-violent non-cooperation, until the said wrongs are righted and Swaraj is established.

"And inasmuch as a beginning should be made by the classes who have hitherto moulded and represented public opinion ; and inasmuch as Government consolidates its powers through titles and honours bestowed on the people, through schools controlled by it, through its law courts and its Legislative Councils, and inasmuch as it is desirable, in the present state of the movement, to take the minimum risk and to call for the least sacrifice compatible with the attainment of the desired object, this Congress earnestly advises :

"(*a*) Surrender of titles and honorary offices and resignation from nominated posts in local bodies.

"(*b*) Refusal to attend Government levees, Durbars and other official and semi-official functions held by Government officials, or in their honour.

"(*c*) Gradual withdrawal of children from schools and colleges, establishment of national schools and colleges in the various provinces.

"(*d*) Gradual boycott of British courts by lawyers and litigants and establishment of private arbitration courts by them for the settlement of private disputes.

"(*e*) Refusal on the part of the military, clerical and labouring classes to offer themselves as recruits for service in Mesopotamia.

"(*f*) Withdrawal by candidates from election to the reformed Councils and refusal on the part of the voters to vote for any candidate who may, despite the Congress advice, offer himself for election.

"(*g*) Boycott of foreign goods.

"And inasmuch as the Non-Cooperation movement has been conceived as a measure of discipline and self-sacrifice, without which no nation can make real progress, and an opportunity should be given in the first state of Non-Cooperation to every man, woman and child for such discipline and self-sacrifice, this Congress advises the adoption of Swadeshi in cotton piece-goods on a vast scale ; and inasmuch as the existing mills of India, with indigenous capital and control, do not manufacture sufficient yarn and sufficient cloth for the requirements of the nation, and are not likely to do so for a long time to come, this Congress advises immediately stimulation of further manufacture on a large scale, by means of reviving hand-spinning in every home, and hand-weaving on the part of millions of the weavers who have abandoned their ancient and honourable calling for want of encouragement."

After the Calcutta Session, Mahatma Gandhi went on a tour of the whole country with a view to creating enthusiasm among the people when the regular Session of the Congress was held in December 1920 at Nagpur, the Non-Cooperation resolution was passed by an overwhelming majority. Even those who had opposed the resolution three months earlier supported the same and among those were C. R. Dass, Lala Lajpat Rai and Moti Lal Nehru.

The programme of the Non-Cooperation Movement was clearly stated in the Non-Cooperation resolution. It involved the surrender of titles and honorary offices and resignation from nominated posts in local bodies. The Non-Cooperators were to refuse to attend Government levees, Darbars and other official and semi-official functions held by the Government officials or in their honour. They were to withdraw their children gradually from schools and colleges and establish National schools and colleges. They were to boycott gradually the British Courts and establish private arbitration courts. They were to refuse to join the army as recruits for service in Mesopotamia. They were not to stand for election to the legislatures and they were also not to vote. They were to use Swadeshi cloth. Hand-spinning and hand-weaving were to be encouraged. Untouchability was to be removed as there could be no real Swaraj without this reform. Mahatma Gandhi promised Swaraj within one year if the people adopted his programme sincerely and whole-heartedly. *Ahimsa* or non-violence was to be strictly observed by the Non-Cooperators. They were not to give up Satya or truth under any circumstances.

It cannot be denied that the Non-Cooperation Movement captured the imagination of the people of India. Both the Hindus and Muslims participated in it. There was wholesale burning of foreign goods. Many students left their schools and colleges and the Congress set up such national educational institutions as the Kashi Vidyapith, Banaras Vidyapith, Gujarat Vidyapith, Bihar Vidyapith, Bengal National University, National College of Lahore, Jamia Milia of Delhi and the National Muslim University of Aligarh. Seth Jamna Lal Bajaj declared that he would give Rs 1,00,000 a year for the maintenance of non-practising lawyers. 40 lakhs of volunteers were enrolled by the Congress, 20,000 Charkhas were manu-

factured. The people started deciding their disputes by means of arbitration. Mahatma Gandhi gave up the title of Kaisar-i-Hind and his example was followed by others.

When the Prince of Wales landed in Bombay on 13th November 1921, a complete hartal was observed in the city on that day. A similar hartal was observed at Calcutta when he visited that city in December 1921. Before the Prince visited Calcutta, Lord Reading tried to come to terms with Mahatma Gandhi but the negotiations failed because the Congress made the release of Ali Brothers as a condition precedent for settlement and the Government was not prepared to do so.

The Government followed a policy of repression to crush the Non-Cooperation Movement. There was indiscriminate beating of the Non-Cooperators and the dispersal of their meetings with the help of force. The Seditious Meetings Act was passed and thousands of persons were arrested. All the Congress leaders, with the exception of Mahatma Gandhi, were arrested. Mahatmaji was not arrested because the Government was afraid of the consequences of his arrest. It is estimated that the total number of arrested persons was about 25,000.

The Congress reaction to this "virulent repression unworthy of a civilised government" was its decision at the Ahmedabad Session in 1921 to start individual and mass civil disobedience. Mahatma Gandhi was appointed the "sole executive authority." On 1st February 1922, Mahatma Gandhi informed the Governor-General of India of his intention to start mass civil disobedience in Bardoli and to sanction the no-tax campaign in Guntur which was in progress since 12th January 1922. However, he was "prepared to advise postponement of civil disobedience of an aggressive character" if all non-violent Non-Cooperating persons were released and the Government announced absolute non-interference with all non-violent activities. He gave seven days to the Government to accept his demands. However, before the period of seven days was over, the tragedy of Chauri Chaura occurred which "changed the course of Indian history." What actually happened was that a mob of 3,000 persons killed 21 policemen and one inspector, some of whom were burnt alive in the police station. This was too much for Mahatma Gandhi who stood for complete non-violence. The result was that Mahatma Gandhi gave orders for the suspension of the Non-Cooperation movement at once. As soon as the movement was suspended, there was a lot of criticism of Mahatma Gandhi and the Government of India finding him in disgrace, decided to arrest him and prosecute him. He was sentenced to six years' imprisonment although he was released in February 1924 on grounds of health.

The action of Mahatma Gandhi in suspending the movement was severely criticised from many quarters. According to Dr. Pattabhi Sitaramayya, "Long latters were written from behind the bars by Pt. Motilal Nehru and Lala Lajpat Rai. They took Gandhi to task for punishing the whole country for the sins of a place." According to Subhas Chandra Bose, C. R. Das was "beside himself with sorrow." To quote Bose, "To sound the order of retreat just when

public enthusiasm was reaching the boiling point was nothing short of a national calamity." According to Jawaharlal Nehru, "We in prison learnt to our amazement and consternation that Gandhi had stopped the aggressive aspect of our struggle, that he has suspended civil disobedience." According to C. R. Das, "The Mahatma opens a campaign in a brilliant fashion, he works it up with skill, he moves from success to success till he reaches the zenith of his campaign but after that he loses his nerve and begins to falter." According to Polak, "The Muslims wilted under the blow, and it was never again possible to restore the confidence and fraternity that had united the two communities during this brief period of alliance."

However, Pt. Jawaharlal Nehru justified the action of Mahatma Gandhi later on, on grounds of practical politics. The incident of Chauri Chaura was not a solitary one. It was only the last straw. There was practically no discipline among the volunteers. There were frequent cases of violence. As practically all the leaders of the Congress were in jail with the exception of Mahatma Gandhi, it was not possible to lead the movement on the right lines. Towards the end of 1921, there had occurred the Moplah rising in Malabar with the object of establishing a Khilafat State. However, it took a communal turn and the Moplahs slaughtered not only a few British officials but far more Hindu neighbours. If the movement had not been stopped by Mahatma Gandhi, there was every possibility of more violence in the country and that would have given the Government a chance to crush the same with a lot of cruelty. To quote Jawaharlal Nehru, "This would have been crushed by the Government in a bloody manner and reign of terror established which would have thoroughly demoralised the people." It was the action of Mahatma Gandhi that saved the people from that danger. According to Romain Rolland, "It is dangerous to assemble all the forces of a nation, and to hold the nation panting, before a prescribed movement to lift one's arm to give the final command and then at the last moment, let one's arm drop and thrice call a halt just as the formidable machinery has been set in motion."

As regards the shortcomings and achievements of the Non-Cooperation Movement, the movement apparently failed to achieve its object of securing the redress of Khilafat and Punjab wrongs. The Swaraj was not attained in one year as promised by Mahatma Gandhi. According to Subhas Chandra Bose, "The promise of Swaraj within one year was not only unwise but childish." The Congress ought not to have identified itself with the Khilafat Movement. According to Polak, the Khilafat Movement "rested on a wrong foundation. While Indian Muslims were reviving the romantic, old world tradition of an Islamic theocracy, the Turks in whose interests they believed they were acting, were tossing it aside as medieval lumber." Under Kamal Pasha, Turkey became a secular State and the institution of the Khilafat was abolished in 1922 and the Khalifa himself was exiled. The sudden suspension of the movement increased Hindu-Muslim tension. There started "a series of communal riots which raged, with brief intervals, for many years and surpassed in bitterness the records of the past."

However, there is a lot to be said in favour of the achievements of the Non-Cooperation Movement. According to Subhas Chandra Bose, "The year 1921 undoubtedly gave the country a highly organised party organization. Before that the Congress was a constitutional party and mainly a talking body. The Mahatma not only gave it a new constitution and a nation-wide basis, but what is more important converted it into a revolutionary organization. Uniform slogans were repeated everywhere and uniform policy and ideology gained currency from one end of India to the other. The English language lost its importance and the Congress adopted Hindi as the *lingua franca* for the whole country. Khadi became the official uniform for all Congressmen." According to Coupland, "He (Gandhi) had done what Tilak had failed to do. He had converted the national movement into a revolutionary movement. He had taught it to pursue the goal of India's freedom not by constitutional pressure on the government, still less by discussion and agreement, but by force, none the less force because it was meant to be non-violent. And he had not only made the national movement revolutionary, he had also made it popular. It had hitherto been confined to the urban intelligentsia ; it had made no appeal to the country folk. Gandhi's personality had deeply stirred the countryside." According to Pt. Jawaharlal Nehru, "The old feeling of oppression and frustration was completely gone. There was no whispering, no round-about legal phraseology to avoid getting into trouble with the authorities. We said what we felt and shouted it out from the house-tops." According to A. R. Desai, "With a section of workers and peasants participating in it, the nationalist movement which was restricted to the upper and middle-classes till 1917, got a mass basis for the first time." The Non-Cooperation Movement added to the self-reliance of the people. They were no more afraid of the strength of the Government. The prisons lost their terror and became places of pilgrimage for the liberation of the country. Swadeshi became popular. Khadi became the uniform of the Indian patriots. The Congress became a mass movement.

The Swarajist Party. The creation of the Swarajist Party was facilitated by many factors. After the suspension of the Non-Cooperation Movement by Mahatma Gandhi and his own arrest and imprisonment, the country was left without any programme. Thus a void was created which was filled up by the Swarajist Party. There was a lot of dissatisfaction in the country on account of the manner in which the Non-Cooperation Movement was suspended suddenly by Mahatma Gandhi. C. R. Das, Motilal Nehru and N. C. Kelkar were particularly critical of Gandhiji's action. The Hindu-Muslim front created by the joining of the Khilafat Movement and the Non-Cooperation Movement had broken up and there was a necessity of a new programme which the Swarajist Party proposed to provide. The Government was bent upon following a policy of repression and there were many patriots in India who would like to obstruct the work of the Government by entering the legislatures and thereby refusing to pass the laws proposed by the Government and also discrediting it in the eyes of the world. As the Congress had boycotted the general elections held under the Government of India Act, 1919, many

opportunists had entered the legislatures. Many patriotic Indians would like to oust them from those places with a view to avoiding the evil which their presence in the legislatures created.

When C. R. Das was in jail, he formulated a scheme for setting up the Swarajist Party. The Gaya Session of the Congress was held in 1922 under his Presidentship but in spite of that, C. R. Das failed to get the Swarajist programme approved by the Congress. There was a battle royal between *no-changers* and *pro-changers*. The no-changers wanted to stick to the programme of Non-Cooperation and constructive work as laid down by Mahatma Gandhi but the pro-changers would like to make a change in the programme of Non-Cooperation. They advocated the policy of Council entry "for the purpose of carrying on the national struggle there also." After the Gaya Session, C. R. Das resigned from the Congress Presidentship and decided to organize the Swarajist Party. A special session of the Congress was held in Delhi in September 1923 under the Presidentship of Maulana Abul Kalam Azad and the Swarajists won. A permissive resolution was passed which provided that "such Congressmen as have no religious or other conscientious objections against entering the legislatures are at liberty to stand as candidates and to exercise their right of voting at the forthcoming elections." The Belgaum Session of the Congress was presided over by Mahatma Gandhi and although he himself was not in favour of the Swarajist programme, he gave his tacit consent to Council entry as he found that the Swarajists had a majority behind them. A sort of a compromise was arrived at by which the constructive programme was to be carried on by the Congress and the Swarajist Party was to fight the elections and obstruct the work of the Government through the legislatures. Thus, a split in the Congress was avoided.

The object of the Swarajists and the Congress was the same, *i.e.*, the establishment of Swaraj or Dominion Status within the British Empire. However, their methods were different. The Swarajists were to follow a policy of "uniform, continuous and consistent obstruction." Obstruction was the keynote of the Swarajist creed. They wanted to wreck the legislatures from within. They wanted to put up "resistance to the obstruction placed in their path to Swaraj by the bureaucratic government." The Swarajists wanted to carry Non-Cooperation "into the very aisles and chancel of the bureaucratic church." Within the legislative bodies, they were to throw out budgets. They were to reject all proposals for legislative enactments by which the bureaucracy proposed to consolidate its position. They wanted to introduce all those resolutions, measures and bills which were necessary for healthy growth of the national life of India and the consequent displacement of the bureaucracy. They were to follow a definite economic policy to prevent the drain of public wealth from India by checking all activities leading to exploitation. Outside the legislatures, they were to give their wholehearted support to the constructive programme of Mahatma Gandhi and work that programme unitedly through the Congress organization. They were

to supplement the work of the Congress by helping the labour and peasant organizations throughout the country. They were to see that labour was not exploited and industrial enterprises also made progress. The Swarajists declared that if they found that it was impossible to meet the selfish obstinacy of the bureaucracy without civil disobedience, they would place themselves without any reserve under the guidance of Mahatma Gandhi.

In the manifesto issued in 1923 by the Swarajist Party, it was declared to be the first duty of the Party to demand that the right of the Indian people to control the machinery and system of government should at once be conceded and given effect to. If the demand of the Swarajist Party was not conceded, it was to be the duty of its members elected to the legislatures to resort to a *policy of uniform continuous and consistent obstruction* with a view to making the working of the government impossible. When the elections were held in 1923, the Swarajists did very well. They got a clear majority in the Central Provinces. The Swarajist Party was the biggest party in the Bengal Legislative Council and C. R. Das was able to win over a few other members and was thus able to command a majority. He himself refused to form the ministry and would not allow others to do so. On 23rd March 1924, the Bengal Legislative Council rejected the salaries of two ministers by 69 votes against 63 and thereby forced them to resign. As the Swarajist Party refused to form the ministry in C. P. the Governor of that Province had to take over the government into his own hands. The Swarajists did well in other provinces as well. In the case of the Central Legislative Assembly the Swarajist Party was able to capture 45 seats out of 145 seats. Pt. Motilal Nehru was the leader of the Swarajist Party in the Central Assembly. On 8th February 1924, the Swarajist Party succeeded in carrying through the Central Assembly a resolution moved by Motilal Nehru demanding a Round Table Conference to recommend a Constitution of India based on the principle of full responsible government. The Central Assembly also rejected the budgets for 1924-25, for 1925-26 and 1926-27. Many bills introduced by the Government were thrown out at the instance of the Swarajist Party. Resolutions were passed demanding the release of certain political prisoners and the repeal of Regulation III of 1818. The members of the Swarajist Party refused to attend the functions and parties arranged by the Governor-General or held in his honour. On many occasions, the Swarajist Party staged "walk-outs" and Sir Tej Bahadur Sapru described their action as *patriotism in locomotion.*

For some time, the Swarajist Party followed vigorously its policy of uniform, continuous and consistent obstruction. However, with the passage of time, there was a change in its programme. In the words of Subhas Chandra Bose, "From the middle of 1925 onwards, there was a gradual watering down of the original Swarajist policy of undiluted opposition." Even before the death of C. R. Das in June 1925, there were some signs of deviation from the original position of the Party. The members of the Swarajist Party realised that obstruction pure and simple was sterile politics and

there was the necessity of construction and reconciliation. Particularly after the death of C. R. Das, the Swarajist Party began to drift towards cooperation. Instead of wrecking the legislatures from within, it was decided to participate in and utilise the legislatures and even cooperate with the Government. The Government also tried to adopt a policy of conciliation towards the Swarajist Party. The result was that the members of the Swarajist Party served on the Steel Protection Committee in 1924. In 1925, Motilal Nehru himself became a member of the Skeen Committee which was appointed to enquire into the possibility of more rapidly Indianising the Indian army. In 1925, V. J. Patel got himself elected as the Speaker of the Central Assembly, although he belonged to the Swarajist Party S. B. Tambe, the Swarajist President of the C. P. Legislative Council, became a member of the Executive Council of the Governor of C. P. Pt. Motilal Nehru threatened to take action with a view to amputating "the diseased limb of the Swarajist Party" but that had absolutely no effect. The Swarajist members like Jayakar, Kalkar and Moonje resented the "hectoring tone" of Motilal Nehru and revolted against the Party. Pt. Madan Mohan Malaviya and Lala Lajpat Rai left the Swarajist Party and set up the National Party as they felt that the interests of the Hindus were not safe in the hands of the Swarajist Party. The result was that the Swarajist Party came to an end in 1926.

The critics of the Sawarajist Party pointed out the contradiction inherent in their policy of obstruction. If the Government was to be obstructed on every point, there was no meaning in joining the legislatures. There was nothing in the Swarajist programme which could bring the machinery of the Government to a standstill. It was pointed out that only those persons joined the Swarajist Party who were otherwise not willing to suffer the hardships involved in the programme of Non-Cooperation and civil disobedience. According to Zacharias, "The Swarajists were in the position of people who wanted to keep their cake and eat it at the same time. They considered it necessary, in order to retain their popularity, to talk extremism and yet were resolved to easy parliamentarism. As a consequence, the Swarajists were driven to a course of quibbling, as to when cooperation was non-cooperation."

However, it cannot be denied that the Swarajist Party did render some useful service to the nationalist cause. It whipped up to some extent the enthusiasm of the people who were suffering from a sense of frustration on account of the abrupt suspension of the Non-Cooperation Movement. By throwing out budgets and bills introduced by the Government. they were able to create interest among the people in the work of the Government. They were also able to discredit the Government in the eyes of the world. The spirit of resistance was maintained among the people against the foreign government. The passing of the Swarajist resolution in February 1924 let to the appointment of the Muddiman Committee by the Government of India to report on the working of dyarchy in the country. The Simon Commission was appointed two years earlier on account of the activities of the Swarajist Party. Accord-

ing to H. N. Brailsford, "To my thinking, the tactics of obstruction were justified, for they convinced even the British Conservatives that the system of dyarchy was unworkable".

The Simon Commission was appointed by the Government in 1927 in accordance with the statutory provisions of the Government of India Act, 1919. There was a lot of hue and cry in India on account of the all-white composition of the Commission. The Commission was boycotted by the Indians. Hartals were held all over the country. The members of the Simon Commission were asked to go back. In spite of all this, the Simon Commission completed its work and submitted the report in 1930. In spite of its rejection by the Indians, it was made the basis of the Government of India Act, 1935 by Sir Samuel Hoare, Secretary of State for India.

The Nehru Report (1928). An all-Parties Conference was held in Delhi, in February and March 1928. This conference appointed a Committee with Motilal Nehru as its President to draft a constitution for India. The draft was prepared and presented to an all-parties National Convention at Calcutta in December 1928. According to the draft, India was to be a secular State with no State religion. There was to be the system of joint electorates with reservation of seats. Seats were to be reserved for Muslims in provinces where they were in a minority and for non-Muslims in the North-West Frontier Province. Such reservation was to be in accordance with the population, with the right to contest additional seats. The report recommended Dominion Status for India. The report was rejected by the Muslims and Mr. Jinnah put forward his famous 14 points as the minimum demands of the Muslims.

At the Calcutta session of the Congress, it was intended to pass a resolution declaring complete independence as the goal of India. However, Mahatma Gandhi intervened and Dominion Status was declared to be the goal of India. Mahatma Gandhi gave the assurance that he himself would lead the movement for independence if by the end of 1929 the British Government did not confer Dominion Status on India. It is true that Lord Irwin, the Governor-General of India, declared in October 1929 that Dominion Status was the goal of the British Government in India, but the mere declaration did not satisfy the Congressmen. Consequently, under the Presidentship of Pandit Jawaharlal Nehru, the Lahore session of the Congress passed a resolution declaring complete independence to be the goal of India.

Independence Resolution. The Independence Resolution of December 1929 runs thus : "This Congress endorses the action of the Working Committee in connection with the manifesto signed by party leaders, including Congressmen, on the Viceregal pronouncement of October 31, relating to Dominion Status, and appreciates the efforts of the Viceroy towards a settlement of the national movement for Swaraj. The Congress, however, having considered all that has since happened and the result of the meeting between Mahatma Gandhi, Pandit Motilal Nehru and other leaders, and the Viceroy, is of opinion that nothing is to be gained in the existing circumstances

by the Congress being represented at the proposed Round Table Conference. This Congress, therefore, in pursuance of the resolution passed at its Session at Calcutta last year, declares that the word 'Swaraj' in Article of the Congress Constitution shall mean Complete Independence, and further declares the entire scheme of the Nehru Committee's Report to have lapsed, and hopes that all Congressmen will henceforth devote their exclusive attention to the attainment of complete independence for India. As a preliminary step towards organising a campaign for independence, and in order to make the Congress policy as consistent as possible with the change of creed, this Congress calls upon Congressmen and others taking part in the national movement to abstain from participating directly or indirectly in future elections, and directs the present Congress members of the legislatures and committees to resign their seats. This Congress appeals to the nation zealously to prosecute the constructive programme of the Congress and authorises the All-India Congress Committee, whenever it deems fit, to launch upon a programme of civil disobedience, including non-payment of taxes, whether in selected areas or otherwise and under such safeguards as it may consider necessary.

26th January 1930 was declared the Independence Day and the following pledge was taken on that day by the people of India and the same was repeated year after year : "We believe that it is the inalienable right of the Indian people to have freedom and enjoy the fruits of their toil and have the necessities of life, so that they may have full opportunities of growth.

"We believe also that if any Government deprives the people of their rights and oppresses them the people have a further right to alter it or abolish it. The British Government in India has not only deprived the Indian people of their freedom but has based itself on the exploitation of the masses and has ruined India economically, culturally and spiritually.

"We believe, therefore, that India must sever the British connection and attain Purna Swaraj or Complete Independence.

"We recognize that the most effective way of gaining freedom is not through violence.

"India has gained strength and self-reliance and marched a long way to Swaraj following peaceful and legitimate methods and it is by these methods that our country will attain independence.

"We believe that non-violent action in general and preparation of non-violent direct action in particular requires the successful working of the programme of Khadi, communal harmony and removal of untouchability. We shall seek every opportunity to spread goodwill among fellowmen without distinction of caste or creed. We shall endeavour to raise from ignorance and poverty those who have been neglected and to advance in every way the interest of those who are considered to be backward and suppressed."

A civil disobedience [programme was prepared and launched. Mahatma Gandhi started his famous Dandi March on 12th March

1930 from Sabarmati Ashram. Thousands of Congress volunteers were sent to jail. The Government used all kinds of repression to crush the nationalist movement. The Congress boycotted the first Round Table Conference in London in 1930. However, after the Conference, Jayakar and Sapru intervened and in March 1931 the famous Gandhi-Irwin Pact was signed.

Gandhi-Irwin Pact (5th March 1931)

As regards the provisions of the Pact, both the Congress and the Government of India were required to do certain things. The Government of India was to make concessions and the Congress was to withdraw the Civil Disobedience Movement.

(1) As regards the constitutional questions, the scope of future discussion was started to be with the object of considering further the scheme for the constitutional Government of India discussed at the First Round Table Conference. Of the schemes outlined therein, federation was an essential part. So also were the Indians' responsibilities and reservations or safeguards in the interest of India, *e.g.*, Defence, External Affairs, position of Minorities, the financial credit of India and the discharge of obligations. In pursuance of the statement made by the British Prime Minister on 19th January 1931,[1] steps were to be taken for the participation of the representatives of the Congress in the further discussions that were to take place on the scheme of constitutional reform.

(2) The Civil Disobedience Movement was to be effectively discontinued and reciprocal action was to be taken by the Government. Effective discontinuance of Civil Disobedience Movement implied the effective discontinuance of the organised defiance of the provisions of any law, the movement for the non-payment of land revenue and other legal dues, the publication of news-sheets in support of the Civil Disobedience Movement and attempts to influence Civil and Military servants or village officials against the Government or to persuade them to resign their posts.

(3) The boycott of non-Indian goods was to be discontinued if it was exclusively against British goods with a view to exerting pressure for political ends. As regards the methods employed in furtherance of the replacement of non-Indian by Indian goods or against the consumption of intoxicating liquors and drugs, resort was not to be had to methods coming within the category of picketing, except within limits allowed by the ordinary law. Such picketing to

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1. The British Prime Minister made the following declaration on that date: "The view of His Majesty's Government is that responsibility for the Government of India should be placed upon the Legislatures, Central and Provincial, with such provision as may be necessary, to guarantee during a period of transition, the observance of certain obligations and to meet other special circumstances and also with such guarantees as are required by the minorities to protect their liberties and rights.

"In such statutory safeguards as may be made for the needs of the transitional period, it will be the primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new Constitution, to full responsibility for her own Government."

be unaggressive was not to involve coercion, intimidation, restraint, hostile demonstration, obstruction to the public or any offence under the ordinary law.

(4) Mahatma Gandhi agreed not to press for a public enquiry into the allegations against the conduct of the police in India.

(5) The Government of India was to withdraw the ordinances promulgated in connection with the Civil Disobedience Movement The notification declaring associations unlawful under the Criminal Law Amendment Act of 1908 were to be withdrawn in so far as those notifications were issued in connection with the Civil Disobedience Movement. Pending prosecutions were to be withdrawn if those were filed in connection with Civil Disobedience Movement and related to offences which did not involve violence other than technical violence or incitement to such violence. The same principles were to be applied to proceedings under the security provisions of the Criminal Procedure Code. Where the Local Government had moved any High Court or had initiated proceedings against certain lawyers in connection with the Civil Disobedience Movement, applications were to be made by the Government for their withdrawal. Prosecutions against soldiers and police involving disobedience of orders were not to come within the scope of this provision.

(6) Those prisoners were to be released who were undergoing imprisonment in connection with the Civil Disobedience Movement for offences which did not involve violence. Soldiers and police convicted of offences involving disobedience of orders were not to come within the scope of amnesty.

(7) Fines which had not been realised were to be remitted. Where an order for the forfeiture of security had been made but the security had not been realised, the fine was to be remitted. Fines which had been realised and securities forfeited under any law were not to be returned.

(8) Additional police imposed in connection with the Civil Disobedience Movement at the expense of the inhabitants of a particular area was to be withdrawn at the discretion of the Local Government The Local Government was not to refund any money, not in excess of the actual cost that had been realised but it was to remit any sum that had not been realised. Moveable property which had been seized in connection with the Civil Disobedience Movement was to be returned if the same was still in the possession of the Government. Moveable property forefeited or attached in connection with realisation of land revenue or other dues was to be returned. Compensation was not to be given for deterioration. Where moveable property had been sold by the Government, compensation was not to be given and the sale proceeds were not to be returned.

(9) Immoveable property taken into the possession by the Government under Ordinance IX of 1930 was to be returned in accordance with the provisions of that Ordinance. Land and other immoveable property in the possession of the Government which had been forfeited or attached in connection with realisation of land revenue or other dues was to be returned. Where immoveable

property had been sold to a third party, the transaction was to be regarded as final.

(10) Where the posts rendered vacant by resignations had been permanently filled, Government was not bound to reinstate their former employees. Other cases of resignations were to be considered on their merits. However, the Local Governments were to follow a liberal policy in the matter of re-employment of Government servants and village officials who applied for reinstatement.

(11) Government was not to condone breaches of the existing law relating to salt administration and was also not to make any change in the Salt Acts. However, the Government was to allow the collection or manufacture of salt free of duty to persons residing within a specified distance from the sea-shore.

(12) It was specifically provided that if the Congress failed to give full effect to the obligations of the settlement, the Government was to be at liberty to take such action as might be considered necessary for the protection of the public and individuals and the due observance of law and order.

The Gandhi-Irwin Pact had a mixed reception. The people of the country welcomed it as a great victory for the Congress. It was pointed out that the Congress saved the people from a lot of suffering on account of the repression which was in store for them. The Congress was in a stronger position in future to fight against the Government. Pandit Jawaharlal Nehru tells us that at the time of negotiation between the Government and the Congress, all sorts of people came to Delhi and those who were formerly afraid of coming nearer to Congress, were brought nearer to it and tried to make amends for their past behaviour. Even the communalists tried to come to an understanding with the Congress. According to Zacharias, the Pact "stands as a monument to the good sense and high patriotism of both parties thereto." Mahatma Gandhi described the Pact as victory for both the sides. Both Mahatma Gandhi and Lord Irwin sincerely wanted a settlement and the Pact was a victory for both.

However, there were critics of the Pact also. It is stated that Pandit Jawaharlal Nehru was shocked to read the reservations and safeguards agreed upon by Mahatma Gandhi as those were to allow the British Government to continue their control over Indian affairs. According to Subhas Chandra Bose, the agreement was a great disappointment to the politically-minded sections of the people and the youth organisations in the country. The agreement was also condemned on the ground that Mahatma Gandhi was not able to save the lives of Sardar Bhagat Singh and his comrades. As a matter of fact, when Gandhiji went to attend the Karachi session of the Congress soon after the signing of the agreement, there were black-flag demonstrations and there were shouts of "Down with Gandhi" and "Gandhi truce has sent Bhagat Singh to the gallows." It was with great difficulty that the Pact was ratified by the Congress at its Karachi session in 1931.

Mahatma Gandhi attended the Second Round Table Conference as the sole representative of the Congress. However, nothing could be achieved on account of the attitude of Mr. Jinnah. It was found that it was impossible to have any agreed formula with regard to the representation of the various communities. Mahatma Gandhi left the Round Table Conference in disgust. As soon as he reached India, he was arrested by the orders of Lord Willingdon. Wholesale arrests of Congress volunteers were ordered. Leaders were put behind the bars. In August 1932, Ramsay Macdonald, the Prime Minister of Great Britain, gave his famous Communal Award. This was modified by the Poona Pact. The Congress did not participate in the Third Round Table Conference. In March 1933, the White Paper proposals were published. In 1934, elections were held to the Central Assembly. The Congress decided to fight the elections and was able to win a large number of seats.

As regards the Communal Award, the Congress neither accepted it nor rejected it. However, when the Government of India ordered elections for provincial legislatures under the Government of India Act, 1935, the Congress decided to fight the elections and was able to secure majorities in a large number of provinces. There was a deadlock between the Congress and the Government on the question of the formation of Ministries in the provinces. After some time, the Government gave an undertaking to the Congress that the Governors would not interfere in the day-to-day affairs of the Provincial Governments. The Congress formed Ministries in July 1937 and these ministries continued to work till November 1939 when the Congress Ministries resigned after the declaration of the World War II. It is well-known that the Congress Ministries were able to do a lot for the people in the provinces on account of their devotion to work and the spirit of sacrifice.

In August 1940, Lord Linlithgow made an offer to expand the Executive Council of the Viceroy with a view to securing co-operation of the Indians. However, the offer was rejected by the Congress.

In March 1942, Sir Stafford Cripps came to India with his proposals which gave the people of India the right of making their constitution after the ending of the World War. He was prepared to transfer into the hands of the Indians all the Departments of the Government of India except that of Defence. The Congress was prepared to accept the long-term scheme and not the interim scheme. The Congress did not like the attitude of "take it or leave it" as adopted by Cripps. After the return of Cripps, the All-India Congress Committee passed the famous 'Quit India' resolution on 8th August 1942. The resolution declared "that the immediate ending of British rule in India was an urgent necessity, both for the sake of India and for the success of the cause of the United Nations. The continuation of that rule is degrading and enfeebling India and making her progressively less capable of benefiting herself and of contributing to the cause of world freedom. The ending of British rule in this country is thus a vital and immediate issue on which depends the future of the war, and the success of freedom and

democracy. The All-India Congress Committee, therefore, repeats with all emphasis the demand for the withdrawal of the British power from India. The Committee resolves, therefore, to sanction for the vindication of India's inalienable right to freedom and independence, the starting of a mass struggle on non-violent lines on the widest scale possible. Such a struggle must inevitably be under the leadership of Mahatma Gandhi and the Committee requests him to take the lead and guide the nation in the steps to be taken."

The immediate effect of the passing of the Quit India resolution was the arrest of Mahatma Gandhi and all the members of the Working Committee of the All-India Congress Committee. The Indian National Congress was banned and its offices were taken possession of by the police. The Government did all that it could to crush the Congress organisation. However, the people reacted voluntarily. There was a revolt of the people against the tyranny and oppression of the Government. It was absolutely unplanned and unpremeditated. Its methods were violent and sabotaging the machinery of the Government. In many parts of the country, there was a complete collapse of the machinery of the Government. This state of affairs continued till 1945.

Mr. Jinnah seems to have been taken by surprise by the "Quit India" movement of the Congress. He declared that the object of the movement was not only to turn out the Englishmen from India but also to subjugate the Muslims and the Muslim League. It was also declared that the movement was directed to coerce the British Government to hand over to the Hindus the administration of the country. The Muslim League asked the Muslims to keep aloof from the movement. It also raised the slogan of "divide and quit." Another slogan of the League was "*Bat Ke Rahega Hindustan*" (India will have to be divided).

The formula of Rajagopalachariar to end the deadlock in the country failed on account of the attitude of Mr. Jinnah although the Muslims were given the substance of what they wanted. The Simla Conference of Wavell also failed for similar reasons. In 1946, the Cabinet Mission appointed by the Labour Government of Great Britain came to India. In spite of its sincere efforts to bring about a compromise between the Muslim League and the Congress, nothing could be achieved. Ultimately, the Cabinet Mission gave its award on 16th May 1946. Its award was a compromise between the Pakistan demand of the Muslim League and the Congress demand for one undivided India. The Muslim League accepted the scheme and the Congress rejected it. However, when the Congress agreed to accept the scheme, the Muslim League rejected it. The Muslim League also decided to observe Direct Action Day on 16th August 1946. Suhrawardy was the leader of the procession at Calcutta on that day. The great Calcutta-killing continued for four days. About three thousand Hindus were killed and property worth crores was burnt.

Pandit Jawaharlal Nehru formed the Interim Government on September 2, 1946. This annoyed the Muslim League. It openly declared that rivers of blood would flow throughout the country.

The League volunteers shouted the slogan of *"Marenge Mar Jayenge Pakistan Banayenge"* (We will die but we will create Pakistan). There were riots in Noakhali and Bihar. The Muslim League entered the Interim Government. However, the working of the Interim Government was a failure. Sardar Patel had to admit that the Interim Government was in a state of paralysis. The Muslim Leaguers tried their utmost to bring chaos in the country.

On 20th February 1947, Attlee declared that the British Government would leave India by June 1948 whether there was agreement between the Indian parties or not. In March 1947, Lord Mountbatten came to India as Governor-General. He contacted both the Congress leaders and the Muslim League leaders and came to the conclusion that it was in the interests of the country to divide the country as quickly as possible and hand over the administration into the hands of the Indians. He prepared his famous June 3 Plan which was accepted by all the parties concerned. In July 1947, the British Parliament passed the Indian Independence Act which created the Dominions of India and Pakistan. India became independent on 15th August 1947.

The Indian National Army. We may conclude this chapter by a reference to the work of the I.N.A. It was towards the end of the First World War that Rash Behari Bose conceived the idea of organising an Indian Independence Movement in the Far East and thus the Indian Independence League was started in Japan. Mr. Bose was assisted by the Japanese authorities in his work which he continued to do till the Second World War broke out. When Japan declared war on Britian and the U.S.A. in December 1941, Rash Behari Bose and his colleagues urged the Japanese Government to grant them all facilities to organise an armed movement for freeing India under the agency of the Indian Independence League of Japan. On 16th February 1942, a day after the fall of Singapore, Premier Tohjo enunciated Japan's India policy in these words : "It is a golden opportunity for India having, as it does, several thousand years of history and splendid cultural tradition, to rid herself of the ruthless despotism of Britain and participate in the construction of Greater East Asia Co-Prosperity Sphere. Japan expects that India will restore its proper status as India for the Indians and it will not stint herself in extending assistance to the patriotic efforts of the Indians. Should India fail to awaken to her mission forgetting her history and tradition, and continue as before to be beguiled by the British cajolery and manipulation and act at their beck and call, I cannot but fear that an opportunity for the renaissance of the Indian people would be for ever lost."

After the enunciation of the above policy, the Japanese Government put at the disposal of the Indian Independence League all the facilities for the organisation of an armed Indian Independence Movement. After ascertaining the views of the Indians in the Far East, a representative conference of Indians residing in East Asia was held at Bangkok under the auspices of the Indian Independence League and Rash Behari Bose was elected its leader. After the conference, branches of the League were opened in all occupied key-

cities. The training of armed volunteers was started in Singapore. Steps were taken to win over as many prisoners of war as possible. Most of the persons who joined were merchants, small traders, labourers and office workers. From the very beginning, there started group rivalries and much could not be done under the circumstances. Rash Behari Bose asked for the help of the Japanese military authorities to crush opposition and although the same was done, that action made him unpopular. In the beginning of 1943, it was found impossible to launch military action on account of group rivalries. Many of the followers took advantage of the movement to improve their financial position. There were many Indian intellectuals who remained inactive. Ultimately, Rash Behari Bose and his collaborators, in consultation with the Japanese Government, decided to invite Subhas Chandra Bose to come to East Asia and take charge of the movement.

Subhas Chandra Bose arrived in Tokyo from Germany on 13th June 1943. After nominating Subhas Chandra as President of the Indian Independence League, Rash Behari Bose turned over the whole movement to him at a mammoth public meeting held in Singapore. On 21st October 1943, Subhas Chandra Bose proclaimed the setting up of the Provisional Government of Azad Hind. This Government was recognised by Japan, Germany and Italy. When the Provisional Government of Azad Hind was organised. Rash Behari Bose was made its supreme adviser. However, Rash Behari Bose retired from the movement primarily because his health was shattered and secondarily because he desired to give Subhas Chandra Bose a free hand to conduct the movement in his own way. Soon after his retirement, Rash Behari Bose died in 1944. Subhas Chandra Bose had to resort to a compromise in the formation of the Provisional Government of Azad Hind with the object of ensuring the cooperation of the diverse Indian elements. He had to give positions to certain persons not because they were efficient but because they had followings. He had to accommodate a few opportunists because they were influential enough to stir up a whispering campaign detrimental to the interests of the Azad Hind movement. The group conflict which had existed under Rash Behari Bose continued to remain even during the leadership of Subhas Chandra Bose.

Subhas Chandra Bose expanded the movement and reconstituted on an enlarged scale the Indian National Army by procuring additional Japanese arms. He introduced such slogans as 'Jai Hind' and '*Chalo Delhi*.' He appeared on the East Asiatic scene and intensified the Indian liberation movement on a regular war footing. He cracked down on British forces marshalling and staking all that was available. The Headquarters of the Provisional Government of Azad Hind were transferred from Singapore to Rangoon to run the movement efficiently and in clock-work precision.

The surrender of Italy in September 1944 was a great blow to the Azad Hind movement. The American forces also recovered in the Pacific and consequently Japan had to give utmost attention to home defence. The result was that she was not able to give the necessary help to the Azad Hind forces fighting on the Indo-Burma

border. In spite of the hard fighting of the Indian National Army, they were not successful in their Imphal and Kohima campaigns. Britain put forth all her energy in protecting Manipur. She enjoyed superiority in armament equipment. With the passage of time, the British war machine at the frontier became too powerful to be checked. The war seemed to have been lost by the Azad Hind forces by the end of 1944. In the beginning of 1945, British troops began to pour into the northern and southern parts of Burma and they were able to capture Mandalay They were also able to capture Rangoon. After the surrender of Japan in August 1945, the Azad Hind movement died a natural death. The Azad Hind movement was so interwoven with the Japanese war with Great Britain and the U.S.A. that it could not exist after the surrender of Japan. It was only the positive direction and help of Japan that had helped the Indian Independence League to organise the Independence movement and no wonder after the fall of Japan the movement also evaporated.

According to Amar Lahiri, "The Azad Hind movement fell like a house of cards not because Subhas Chandra's popularity had decreased but because the majority of Indian elements in East Asia in the early part of 1945 showed indifference to the movement. Since the merchants, small traders, labourers and office workers formed the bulwark of the Azad Hind movement and since they, on account of their peculiar mentalities, lacked the vitality of the nationalists and the derring do of the revolutionaries, it was not at all unexpected that the movement disappeared like a flash the moment Japan announced her capitulation to the Allies." But although the Azad Hind movement failed, its effect on the Indian mind became clear when some of the officers of the Indian National Army were tried in India. The Indian political parties and the masses hailed them as fighters for India's freedom and there were strong demonstrations demanding their release. The Indian National Army secured an immortal place in the hearts of the Indian people. The heroic deeds of the soldiers of the Indian National Army gave a feeling of pride to the people of India. They acquired a new status and prestige in the eyes of the world. A new sense of freedom, honour, dignity and prestige was created in them. The Indian National Army undoubtedly brought the freedom of the country nearer.

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CHAPTER XXII

ESTABLISHMENT OF PAKISTAN

The English were the successors of the Muslim rulers in India and no wonder, on the eve of British expansion in this country, the Muslims occupied all places of profit, prestige, and influence. When that power was snatched away by the British, there was no love lost between the Muslims and the British. The latter also followed a policy of crushing completely the Muslims. According to Mohammad Norman, "The British people had decided that for the expansion of the new power and its continuance, the only course was to crush the Mussalmans and had deliberately adopted policies which had for their aim the economic ruin of Muslims and their intellectual stagnation and general degeneration." (*Muslim India*).

Condition of Muslims before 1871.

It is pointed out that the Permanent Settlement of Bengal "elevated the Hindu collectors who up to that time had held but unimportant posts, to the position of land-holders, gave them proprietary right in the soil and allowed them to accumulate wealth which would have gone to the Mussalmans under their own rule." The Muslims were not welcomed into the service of the English East India Company. It is stated that between 1852 and 1862, out of 240 natives admitted as pleaders of the High Court, there was only one Muslim. In certain cases, the British Government clearly stated that the jobs were only to be given to the Hindus and not to the Muslims. The educational policy of the British Government was 'responsible for the increase of unemployment and the closing of other avenues for the Muslims. The economic policy impoverished the Indian Muslims. In the Army, their recruitment was limited ; in arts and crafts they were crippled and rendered helpless. The result of these pelicies was the catastrophe of 1857, which no human policy could have averted."

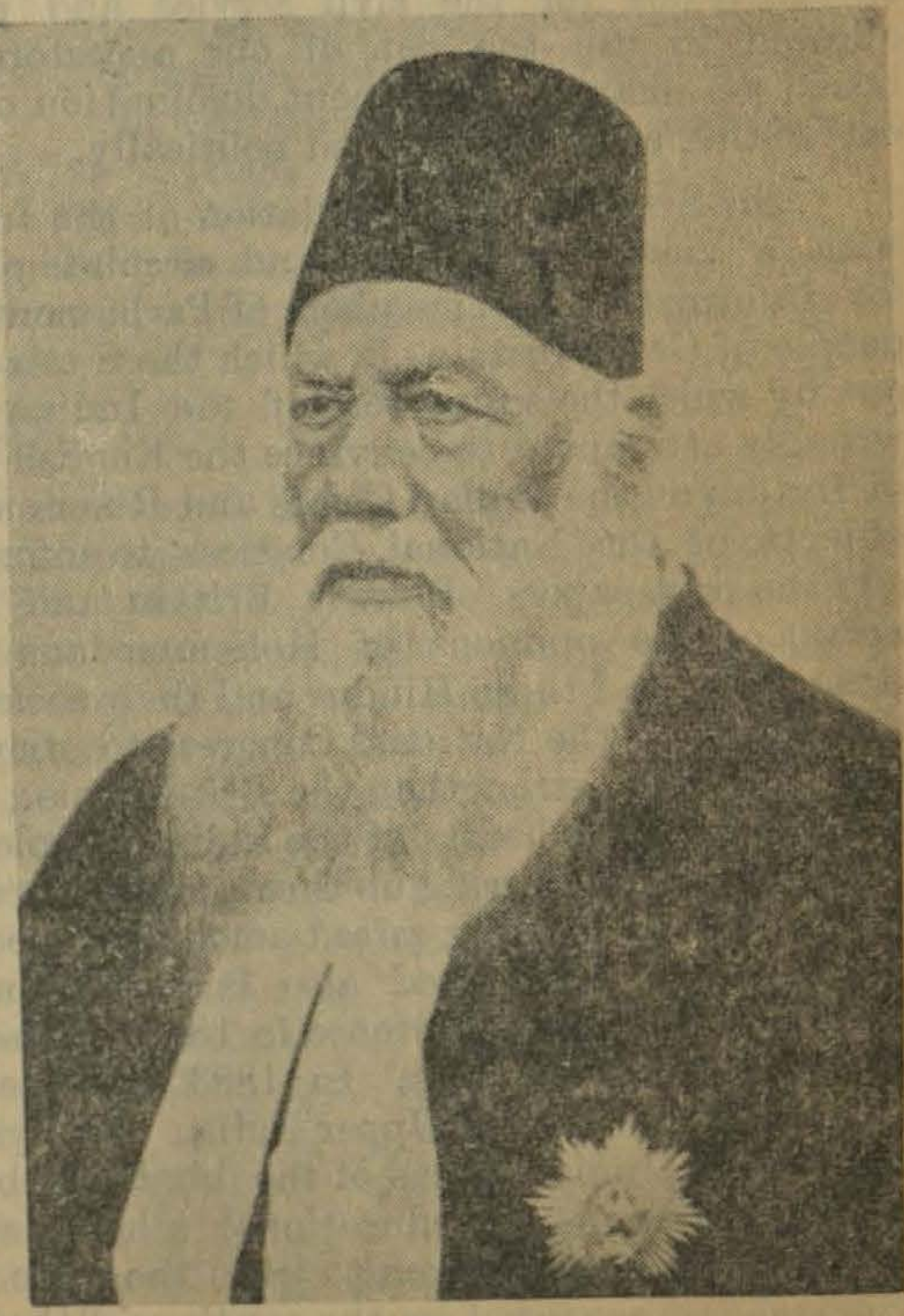
Even before the Mutiny of 1857, the Muslims had revolted against the British Government under the Wahabi leaders. It is true that the Wahabi Movement[1] in India was primarily a religious movement, but it was also a proletarian and revolutionary movement. The Wahabi leaders stirred the Muslims of India and a wave of enthusiasm swept over the whole country. The movement was ruthlessly suppressed by the British Government but it manifested itself in the form of the Mutiny. The prime movers in the Mutiny of 1857

1. The Wahabi Movement was started in Arabia towards the end of the 18th century. At the beginning, it was purely religious. It was brought to India by Syed Ahmed Brelvi. It acquired a popular and revolutionary character in India. It taught hatred against the foreign rulers. The Muslims who played an important part in the Mutiny were Wahabis.

were the Muslims and those Muslims were undoubtedly Wahabis. As the British considered the Muslims to be responsible for the Mutiny, they were treated very severely after 1858. In 1871, out of a total of 2,141 persons employed by the Bengal Government, there were only 92 Muslims, 711 Hindus and 1,338 Europeans. This state of affairs continued up to the 1870's. It was then that a change took place in the attitude of the British Government towards the Muslims. Sir William Hunter's book entitled *The Indian Mussalmans* which was published in 1871, marks the beginning of the change. It was contended that the Muslims were too weak for rebellion. "It was expedient now to take them into alliance rather than continue to antagonise them."

Work of Sir Syed Ahmed Khan.

Principal Beck of the Mohammedan Anglo-Oriental College, Aligarh, played a very important role in winning over the Muslims to the English side. He was able to convince Sir Syed Ahmed Khan, the great leader of the Muslims, that "while an Anglo-Muslim alliance would ameliorate the condition of the Muslim community, the nationalist alignment would lead them once again to sweat, toil and tears.... He was further led to believe that supporting the Government was the surest way of making up the leeway for his community. As a result, his unique influence was used to keep the Muslims, particularly in Northern India, away from the Congress." Sir Syed had been known for his tolerant views. He had described the Hindus and Muslims as "*two eyes of the beautiful bride that was India.*" He had declared in 1884 at Gurdaspur that the Hindus and Muslims should try to become of one heart and soul and act in unison. "If united, we can support each other. If not, the effect of one against the other would tend to the destruction and downfall of



Sir Syed Ahmed Khan

both." On another occasion, he had remarked thus : "In the word Nation, I include both Hindus and Mohammedans because it is the only meaning attached to it. With me it is not worth considering what is their religious faith, because we do not see anything of it. What we do see is that we inhabit the same land, are subject to the same rule of the same Governors, the fountains of benefit for all are the same, and the pangs of famine also we suffer equally. These are the different grounds upon which I call both these races which inhabit India by one word, *i.e.*, Hindus, meaning to say that they are inhabitants of Hindustan." The influence of Beck was so great on Sir Syed that the latter began to attack the Congress and the Hindus. He defined the Congress movement as "a civil war without arms." His contention was that if India was to be given an elective system based on worth or education or principles as demanded by the Congress, "the whole Council will consist of Babus so and so" and all Muslims "hated these fish-eating Babus of Bengal." He opposed the Congress demand for the holding of simultaneous competitive examinations for the civil service and prayed that "we are to be allowed to use the pen of our ancestors." Sir Syed's policy was based on fear of permanent domination of Muslims by Hindus educationally, economically and politically.

Sir Syed laid the foundation of the Indian Patriotic Association with a view "to publish and circulate pamphlets and other papers for information of members of Parliament, English journals and the people of Great Britain, in which those mis-statements will be pointed out by which the supporters of the Indian National Congress have wrongly attempted to convince the English people that all the nations of India and the Indian Chiefs and Rulers agree with the aims and objects of the National Congress, to inform Members of Parliament and the newspapers of Great Britain and its people by the same means of the opinions of Mohammedans in general, all the Islamia Anjamans, and those Hindus and their societies which are opposed to the objects of the National Congress to strive to preserve peace in India and to strengthen the British rule ; and to remove those bad feelings from the hearts of the Indian people, which the supporters of the Congress are stirring up throughout the country and by which great dissatisfaction is being raised among the people against the British Government." Sir Syed also laid the foundation of the Annual Muslim Education Conference in 1886, a year after the establishment of the National Congress. In 1893 was set up the Mohammedan Defence Association of Upper India. Sir Syed also saw that unless Mussalman religious ideas of the day could be freed from their superstitious accretions, his educational scheme was not likely to succeed. But at a time when even to learn the mere rudiments of the English language was regarded by the gentle and the simple as the surest way of perdition and tantamount to a renunciation of Islam, his work was a very tedious one. Sir Syed did the work wholeheartedly and he was eminently successful.

Work of Beck.

Beck organised the Muslim opposition in 1889 to Bradlaugh's Bill in the British Parliament for giving representative institutions

to India. The memorial which was sent on behalf of the Muslims of India claimed that the introduction of democratic institutions was not suited to India because she was not one nation. In 1893 was organised the *Mohammedans Defence Association* with Beck as one of its Secretaries. The object of that association was to prevent the Muslims from joining the Congress. Beck wrote thus : "The objective of the Congress is to transfer the political control of the country from the British to the Hindus ...Muslims can have no sympathy with these demands. It is imperative for the Muslims and the British to unite with a view to fighting these agitators and prevent the introduction of democratic form of Government unsuited to the needs and genius of the country. We, therefore, advocate loyalty to the Government and Anglo-Muslim collaboration." Again, "The parliamentary system in India is most unsuited and the experiment would prove futile if representative institutions are introduced. The Muslims will be under the majority opinion of the Hindus, a thing which will be highly resented by Muslims and which, I am sure, they will not accept quietly." The important part played by Beck in alienating the Muslims from the Hindus was described in these words by Sir John Strachey in 1809 : "An Englishman who was engaged in Empire building activities in far-off land has passed away. He died like a soldier at the post of his duty. The Muslims are a suspicious people. They opposed Mr. Beck in the beginning suspecting him to be a British spy, but his sincerity and selflessness soon succeeded in his gaining their confidence."

Partition of Bengal and its Effects.

As regards the partition of Bengal, Lord Curzon was of the view that its boundaries were unscientific and required re-adjustment. According to Frases. "No other Provincial administrator in India had so large a charge and it was completed by the obstacles to rapid travel. A despatch written at the time stated that if the Lieutenant-Governor of Bengal spent the whole of the available season of the year in touring, he could only succeed during his term of office, in visiting a portion of his vast Province." According to the *Calcutta Review*, "Partition of the unwieldy Province of Bengal was long a crying administrative necessity admitted by all those who knew anything about the difficulty of officials." However, the real object of the partition of Bengal was the desire of the foreign rulers to strike a nail in Bengal nationalism by dividing its forces. According to G. N. Singh, "It was to drive a wedge between the two communities (Hindus and Muslims) and to create a new Mohammedan Province in which the Government was to be conducted on the basis of creedal differences." By setting up a separate Muslim Province of Eastern Bengal, the Government of India wanted to reward the Muslims for their loyalty and punish the Hindus for their defiance of British authority. The people of Bengal took up the challenge of Lord Curzon and started an agitation for the cancellation of the Partition, and the same was ultimately done in 1911.

The anti-partition movement had very significant results. "The wrongs of Bengal have done more towards strengthening the feeling

of the nationality throughout India than any other cause during the last fifty years." According to Dr. Lal Bahadur, "The partition agitation was a demonstration on a large scale of the capability of the nation to oppose the exercise of injustice by foreigners. It brought the whole of the dormant potentiality of the country to the fore and served as a period of trial to the patriots who stood the test of British rigours. The courage of our countrymen rose to unparalleled height and served as a valuable asset for all future struggle against foreign domination. It was further an inescapable indication that a determined and prolonged resistance would inevitably destroy the whole engine of tyranny and make the repression completely ineffective. The whole history of the Partition, the consequent agitation and the ultimate frustration of the original scheme taught our nation the value and importance of resistance against high-handedness and this lesson was never forgotten till independence was attained in 1947."

According to Sir Mancherjee Bhownaggree, "The modification of the Partition scheme is certainly a wise act of statesmanship and will go far to assuage the irritation caused by a policy whose object was believed by many to be the creation of disunion among the population of Bengal." According to Mrs. Annie Besant, "In closing the gulf between the two Bengals, the monarch has closed a gulf which yawned between two races and Lord Hardinge has won for himself a fame which will endure." According to Sir William Wedderburn, "This is glorious news; quite beyond not only what I expected but what I hoped for." According to Raja Peary Mohan Mukerjee, "The boon which has been conferred upon the people of Bengal by the re-union of our divided Province and by its elevation to the status of a presidency Government has stirred the hearts of our people and has filled them with the deepest of gratitude." According to Babu Ambica Charan Mazumdar, "What repressive laws, proscriptions, prosecutions and deportations have failed to achieve in six years, the kindly touch of the Royal Prerogative has accomplished in one minute."

However, the Muslims who had carried on agitation against the cancellation of the Partition were upset in 1911 and Nawab Mushtaq Hussain Viqar-ul-Mulk Bahadur observed thus on the occasion of the re-union of two Bengals: "So far as the Mussalmans are concerned, it may be understood to be the consensus of opinion that this re-union is generally disliked. In face of the assurances repeatedly given by successive Ministers of the Crown as to the Partition being 'a settled fact', the amalgamation betrays the weakness of the Government and will, in future, be regarded as one of the reasons for placing no trust in its utterances and actions."

When the Government of India made up their mind to give more concessions to India in the constitutional field about the year 1906, the Muslims put forward a demand for separate electorates for themselves. These demands were placed before Lord Minto by a Muslim deputation led by Sir Agha Khan. But it must be noticed that everything was arranged by Archibold, the Principal of the Aligarh College. The deputation was a command affair. Mr. Archi-

bold wrote thus : "Colonel Dunlop Smuth, Private Secretary of His Excellency, the Viceroy, informs me that His Excellency is agreeable to receive the Muslim deputation. He advises that a formal letter requesting permission to wait on His Excellency be sent to him. In this connection, I would like to make a few suggestions. The formal letters should be sent with the signatures of some representatives of Mussalmans. The deputation should consist of representatives of all the provinces The third point to be considered is the text of the address. I would here suggest that we begin with a solemn assurance to loyalty. The Government's decision to take a step in this direction of self-government should be appreciated. But our apprehensions should be expressed that the principle of election, if introduced, would prove detrimental to the interests of the Muslim minority. It should respectfully be suggested that nomination or representation by religion be introduced to meet Muslim opinion. We should also say that in a country like India due weight must be given to the Zamindars. But in all these views, I must be in the background. They must come from you....I can prepare for you the draft of the address or revise it. If it is prepared in Bombay, I can go through it. As you are aware, I know how to phrase these things in proper language. Please remember that if we want to organise a powerful movement in the short time at our disposal, we must expedite matters."

Lord Minto received the deputation sympathetically and gave the following reply : "The pith of your address, as I understand it, is a claim that under any system of representation, whether it affects a municipality or a district board or a legislative council, in which it is proposed to introduce or increase an electoral organisation, the Mohammedan community should be represented as a community. You point out that in many cases electoral bodies as now constituted cannot be expected to return a Mohammedan candidate, and if by chance they did so, it could only be at the sacrifice of such a candidate's views to those of a majority opposed to his community whom he would in no way represent ; and you justly claim that your position should be estimated not only in your numerical strength, but in respect to the political importance of your community and the service it has rendered to the Empire. I am entirely in accord with you. Please do not misunderstand me, I make no attempt to indicate by what means the representation of communities can be obtained, but I am as firmly convinced as I believe you to be that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement regardless of the beliefs and traditions of the communities composing the population of this continent." Lady Minto tells us in her Diary that Lord Minto described the day on which the Muslim deputation met him as "an epoch in Indian history."

Having committed himself to give separate electorates to the Muslims, Lord Minto took up the matter with Lord Morley, the Liberal Secretary of State for India. The latter was not in favour of the proposal of Lord Minto. But the Viceroy insisted that separate electorates alone could satisfy the Muslims of India and

nothing else. The result was that ultimately Lord Morley accepted the point of view of Lord Minto[1] and provision was made in the Act of 1909 for separate electorates for the Muslims. Lord Morley wrote to Lord Minto thus in December 1909: "I won't follow you again into our Mohammedan dispute. Only I respectfully remind you again that it was your early speech about their extra claims that started the (Muslim) hare. I am convinced my decision was best." It is clear that Lord Minto was the real father of communal electorates although the British officials also played their part.

In December 1906 was established the All-India Muslim League with a view to "support, whenever possible, all measures emanating from the Government, and to protect the cause and advance the interest of our co-religionists throughout the country to controvert the growing influence of the so-called Indian National Congress, which has a tendency to misinterpret and subvert British rule in India, or which might lead to that deplorable situation, and to enable our youngmen of education, who for want of such an association have joined the Congress, to find scope, according to their fitness and ability, for public life."

It is to be observed that for a brief period the relations between the Hindus and Muslims were cordial[2] and the Congress and the Muslim League worked in collaboration. Many factors were responsible for this change. The most important cause was the treatment of Turkey by the European Powers before 1914. The Balkan Wars of 1912-13 weakened the power of Turkey in Europe. It appeared as if there was a kind of crusade against the Muslims in Europe. This was resented by the Indian Muslims who regarded the Sultan of Turkey as the head of Islam. Turkey was considered to be the symbol of Islamic greatness. As the British Government did nothing to save Turkey, the Indians became bitter. As the Muslims were not consulted at the time of the cancellation of the partition of Bengal, they felt that they were betrayed by their British friends. Certain Muslim leaders also played their part. They captured the Muslim League under the leadership of M. A. Jinnah. As the constitution of the Muslim League was radically changed in 1913, Agha Khan was forced to resign from the presidentship of the Muslim League. The Sessions of the League and the Congress were held at the same place for some years. In 1916, both the Congress and the Muslim League held their

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1. Lord Morley wrote thus to Lord Minto: "Please remember in granting separate electorates, we are sowing dragon's teeth and the harvest will be bitter."

2. There were many circumstances which drove the Muslim leaders to the side of the Congress. According to a writer in the *Indian Review* of October 1912, "For several months past, the Mohammedans of India have been passing through a state of discontent. The unblushing brutality with which Russia was treating Persia, the apparently unprovoked assault of Italy upon the Turkish position in Tripoli and lastly disappointment of the Indian Mohammedans over the Muslim University have all combined to create an atmosphere of restlessness among the Mohammedan subjects of the British Crown. And now, the long dreaded trouble in the Balkans, a life and death struggle between the leading Islamic power and four minor kingdoms of Eastern Europe, has considerably excited the already exasperated followers of the Arabian prophet."

annual sessions at Lucknow. It was in that atmosphere of give and take that the famous Lucknow Pact was signed by the Muslim League and the Congress.

Lucknow Pact, 1916. According to this Pact, the Provinces should be free as much as possible from the control of the Central Government in matters of finance and administration. Four-fifths of the Central and Provincial Legislative Councils should be elected and one-fifth nominated. The Central and Provincial Governments should be bound to act in accordance with the resolutions passed by their respective legislative councils, unless they were vetoed by the Governor-General-in-Council. The Central Legislative Council should have no power to interfere with the Government of India's direction of military affairs and the foreign and political relations of India including declaration of war and entering into treaties. The relations of the Secretary of State for India with the Government of India should be similar to those of the Colonial Secretary with the Governments of the Dominions. Although the Muslims were given many concessions to conciliate them, the British bureaucrats in India contended with the Muslims that they deserved more than what was given to them.

According to Dr. Lal Bahadur, "The fact was that in regard to communal adjustment, the Congress, generally speaking, suffered from self-delusion. Nothing could be done more headstrong than to hope for the disappearance of separate electorate after 10 years of its birth. The evil could easily be nipped in the bud, but it was allowed to grow till it served an easy stepping stone for the demand of Pakistan. A diplomatic blunder of high magnitude was committed in conceding the right of separate Muslim representation through members of the community themselves. It proved the British allegation of sharp division between the Hindus and Muslims and justified, for all intents and purposes, all earlier propaganda of the latter, regarding the exercise of the so-called high-handedness by the former. It was also an evidence of the tactful bankruptcy of the Congress leaders and their helpless lack of shrewdness. They ought to have understood that this concession to the Mussalmans would tear the nation for ever into two sharply divided communities and the breach would be widened by the foreign ruling power. The British Parliament recognised the Lucknow Pact as the only agreement between the Hindus and Muslims and it made assertive provision for separate electorate in the Government of India Acts of 1919 and 1935. Once the basis of the division of the electorate was accepted the recognition of the division of the country was inevitable. The Lucknow Pact demanded a heavy toll of the country's sacrifice and the price was paid in the formation of Pakistan." Dr. Lal Bahadur maintains that there was no pressing necessity to purchase Muslim support at an exorbitant cost. To quote him, "The Pact was bound to be transitory in character, for it was a child of circumstances. The Indian Mussalmans' consciousness of affinity with their co-religionists outside India was roused and an effective help for them presupposed a feeling of goodwill in the country and as soon as the danger was averted (or the fate was accepted), the incentive that sustained the



Congress and Muslim League Sessions at Lucknow in 1916.

agreement disappeared. Besides, a communal body that, from its very birth, had consistently advocated anti-patriotic dogmas and done all in its power to widen the gap between the Hindus and the Muslims, could be least expected to experience an overnight change in its fundamentals and pin its faith to the Congress ideology. Even war against Turkey would not shake the sense of loyalty which the Indian Muslims had developed for the British Government in the country. The Congress programme, on the other hand, demanded active opposition to the Government. The ideological differences between the two bodies made them ill-assorted-mates that were ready to part company at the first opportunity. Looked at from whatever angle of vision, the Lucknow Pact was foredoomed to failure. (*The Muslim League*, p. 96).

It is to be noted that the Congress leaders like Mahatma Gandhi and Madan Mohan Malaviya attended the sessions of the Muslim League in 1915, 1916 and 1917 and spoke from its platform in support of several resolutions. The Raja of Mahmudabad who presided over the Calcutta session of the Muslim League spoke thus : "The interests of the country are paramount. We need not try to argue whether we are Muslims first or Indians. The fact is we are both : to us the question of precedence has no meaning. The League has inculcated among the Muslims a spirit of sacrifice for their country as their own religion."

It is on account of this friendly atmosphere that both the Hindus and Muslims participated in the Non-Cooperation Movement. As the Khilafat Committee and the Jamiat-ul-Ulema-i-Hind came to have their hold on the Muslim masses, the Muslim League suffered an eclipse after 1920. However, many members of the Muslim League were patronized by the British Government and occupied important offices in the Government.

When the Non-Cooperation Movement was withdrawn by Mahatma Gandhi, Hindu-Muslim riots broke out in various parts of the country. This created bad blood between the Hindus and the Muslims. The programme of Shudhi and Sangathan of the Hindus also made the Muslims anti-Hindu. M. A. Jinnah took advantage of the atmosphere and tried to put new life into the Muslim League. However, he did not achieve much success. When the Simon Commission was appointed, the members of the Muslim League were divided on the question of their attitude towards the Commission. One section led by Jinnah was in favour of boycotting the Commission, but the other section led by Sir Mohammad Shafi was in favour of cooperating with it. The result was that the two sections of the League held their sessions separately. The Nationalist Muslims like Hakim Ajmal Khan, Dr. Ansari. Dr. Kitchlew, Maulana Azad, Dr. Syed Mahmud and Asaf Ali formed themselves into a separate party. Jinnah found himself alone. According to Humayun Kabir, "He could not fit in with the Muslim moderates, for politically he was too much influenced by Congress ideology. Nor could he merge with the Progressive among the Muslims, for with his orthodox and conservative economic views, they seemed to him rank revolutionaries." He could not rejoin Congress whose programme of direct action he

did not approve of. No wonder, he decided to retire from Indian politics and went away to England to practise law. However, within a few years, most of the Muslim leaders of all-India status such as Fazli Hussain, Ajmal Khan, Mohammad Shafi. Ansari and Mohammad Ali, died and Jinnah found a golden opportunity to be the leader of the Muslims. He came back from England and took up the leadership of the League.

When the general elections were held in 1937, the Muslim League did not do well in the Muslim-majority provinces. However, there were negotiations for cooperation between the Congress and the Muslim League. Jinnah proposed the establishment of coalition Governments between independent parties. To quote him, "There is really no substantial difference, now at any rate, between the League and the Congress. We shall always be glad to cooperate with the Congress in their constructive programme." The Congress invited the Muslim League to join ministries on certain terms which was found to be unacceptable by the League In the case of U. P. the terms required that the Muslim League group should cease to function as a separate group. The existing members of the Muslim League party in the U.P. Assembly were to become a part of the Congress party and were also to be subject to the control and discipline of the Congress party. "The Muslim League Parliamentary Board in the United Provinces will be dissolved and no candidates will thereafter be set up by the said Board at any by-election." The point of view of the Congress was that such terms were necessary for the purpose of maintaining discipline among the ministries. However, critics pointed out that the Congress was "drunk with victory." Jinnah considered the terms as "a direct sebuff" and declared that "the Muslims can expect neither justice nor fairplay under Congress Government." He attacked the Congress as a Fascist Hindu body which was out to crush all other parties in the country, particularly the Muslim League.

It is to be observed that the big Muslim land-owners got afraid of the agrarian policy of the Congress. They feared that if everything was to be given to the peasantry, that could be done only at their cost and no wonder they joined hands with the Muslim League to strengthen their position.

The middleclass among the Muslims also foresaw a bleak future for themselves. They felt that they could not compete with the Hindus in industry, in professions and in public services. The only way out of the difficulty was to set up a separate State for the Muslims where there would be no competition from the Hindus. They were also sensitive to the educational policy of the Congress. They condemned the Congress scheme of primary education through handicrafts. It was maintained that the Congress educational policy was essentially a Hindu one. The Muslims complained that their culture was being attacked by the Congress which was tantamount to an attack on the very existence of the Muslims. There were other causes for the denunciation of the Congress by the Muslim League. According to Brailsford, "On the eve of the elections of 1937 in the United Provinces, a leading Muslim politician who had hitherto

belonged to the Congress Party deserted it, because he thought he would be defeated and went over to the Muslim League with his following. He was mistaken ; the Congress was victorious and formed the Ministry. This man asked to be taken back to the fold and also to be rewarded with a cabinet post. Very naturally, but perhaps unwisely, the Congress refused—as any British party in a like case would have done. The consequences were unfortunate and to the English mind outstanding. The Muslim League redoubled its attacks on the Congress and on the strength of this and similar cases accused it of being a totalitarian party which sought to monopolise power." (*Subject India*, p. 83).

Another factor which annoyed the Muslim League was the mass contact movement of the Congress under the leadership of Pandit Jawaharlal Nehru. Its object was to bring the Muslim masses into the fold of the Congress. Such a movement was considered to be a challenge to the very existence of the Muslim League. Jinnah declared that the Congress movement was "calculated to divide and weaken and break the Mussalmans and to detach them from their accredited leaders." No wonder, the Muslim League raised the cry of "Islam in danger." It was declared that under the despotism of the Congress rule, the Muslims "were doomed to the fate of underdogs." Asoka Mehta and Patwardhan pointed out in their book entitled *Communal Triangle* that the Muslim League had reached such a stage that it could not follow any other policy except that which was actually followed by it. It was a reactionary body and was controlled by the Muslim princes, landlords, industrialists and others who were the stooges of the British Government. The Muslim League had no constructive programme of its own and the only way it could become strong was by denouncing the Congress. It had asked for and got separate votes, separate electorates, and statutory safeguards. The next logical step was the demand for a separate State.

As time passed, the Muslim League shouted from the housetops the tyranny to which Muslims were being subjected in those provinces in which the Congress ministries existed. In March 1938, the Muslim League appointed a Special Committee under the Raja of Pirpur to enquire into the "numerous complaints of oppression and ill-treatment meted out to Muslims in general and the workers of the League in particular." The Pirpur Report gave a list of the sufferings of the Muslims under the Congress regime and declared that "no tyranny could be so great as the tyranny of the majority." There was absolutely no substance in the charges of the Muslim League. According to Coupland, "The Congress Ministries had not lent themselves to a policy of communal injustice, still less of deliberate persecution." According to Sir Harry Haig, Governor of U.P., "The Congress Ministries dealt with the Muslims fairly and justly." The Congress President asked the Muslim League to submit the grievances of the Muslims under the Congress regime to an impartial tribunal, but the Muslim League refused to do so. It merely went on harping on the theme of persecution till the day the Congress Ministries resigned in 1939. During this period, it looked to the Governor-General for the redress of its grievances and after

that nothing was heard of them. The Muslim League observed the Deliverance Day when the Congress Ministries resigned. The Muslim League was not concerned with the truth or untruth of the myth of persecution. Its technique worked well. Jinnah came to be recognised as the champion of the Muslims in India. He became the leader of the Muslim community and the Muslim League became the representative Muslim body. Between 1937 and 1942, the Muslim League got 47 seats in 61 by-elections to the Muslim seats and the Congress got only four.

Pakistan.

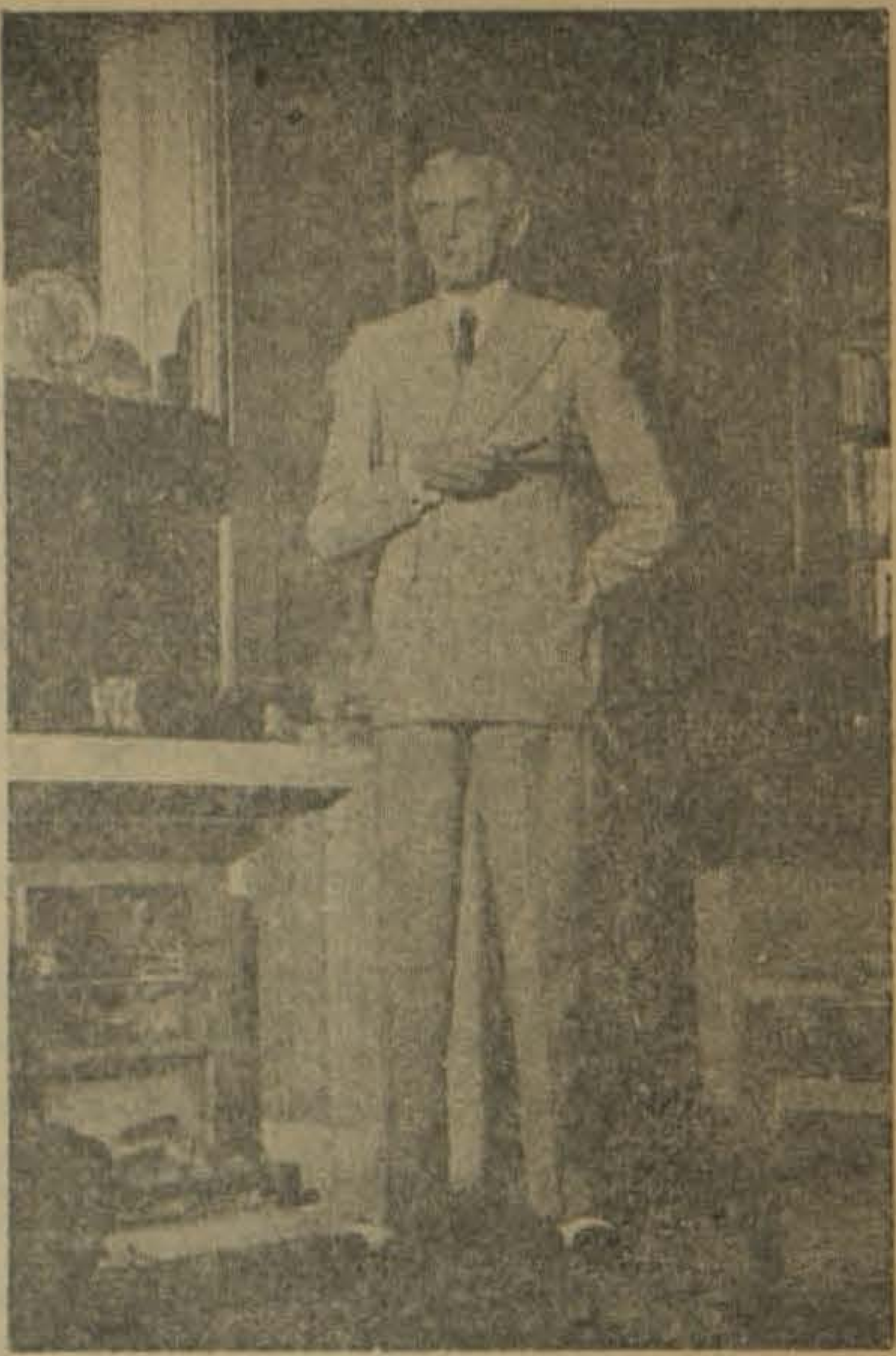
Sir Mohammad Iqbal is considered to be the father of the idea of Pakistan. At the Allahabad session of the Muslim League held in 1930, he declared that the "formation of a consolidated North-West India Muslim State appears to me to be the final destiny of Muslims at least of North-West India." However, it is to be observed that Iqbal did not stand for a sovereign, independent State for the Muslims. According to Coupland, Iqbal stood for a loose federation of all-India, "the Central Federal Government only exercising those powers which are expressly vested in it by the free consent of the federal States." Iqbal is stated to have told Edward Thompson that "the Pakistan plan would be disastrous to the British Government, disastrous to the Hindu community and disastrous to the Muslim community."

In spite of this, some Muslim under-graduates at the Cambridge University were influenced by the ideas of Iqbal. Their leader was Rahmat Ali. In 1933, Rahmat Ali described the Indian Muslims as a nation and prepared a plan for the establishment of Pakistan which was to include the Punjab, Kashmir, Sind, Baluchistan and the N.W.F.P. He also referred to the establishment of Osmanistan of Hyderabad and Bang-i-Islam of Bengal and Assam. Rahmat Ali tried to propagate his ideas among the people. However, he did not meet with any encouragement. In August 1933, Sir Zafrullah Khan described the scheme as "chimerical and impracticable". Up to 1937, the Muslim League also did not approve of the idea of Pakistan. It was in 1938 that Jinnah demanded the division of India. In January 1940, he referred to the two nations of the Hindus and the Muslims in India.

Presiding over the Muslim League session in Lahore on 22nd March 1940, Jinnah declared that the Mussalmans were not in minority and they were a nation by any definition. To quote him, "If the British Government are really in earnest and sincere to secure peace and happiness of the people of this sub-continent, the only course open to us all is to allow the major nation separate homelands by dividing India into autonomous national States. There is no reason why the States should be antagonistic to each other. On the other hand, the rivalry and the natural desire and efforts on the part of one to dominate the social order and establish political supremacy over the other in the Government of the country will disappear. It will lead more towards natural goodwill by international pacts between them, and they can live in complete harmony with

their neighbours. This will lead further to a friendly settlement all the more easily with regard to minorities by reciprocal arrangements and adjustments between Muslim India and Hindu India which will far more adequately and effectively safeguard the rights and interests of Muslims and various other minorities.

"It is extremely difficult to appreciate why our Hindu friends fail to understand the real natures of Islam and Hinduism. They are not religious in the strict sense of the word, but are, in fact, quite different distinct social orders, and it is a dream that the Hindus and Muslims can ever evolve a common nationality, and this misconception of the Indian nation has gone far beyond the limits and is the cause of most of our troubles and will lead India to destruction if we fail to revise our notions in time. The Hindus and Muslims belong to two different religious philosophies, social customs and literatures. They neither intermarry nor inter-dine and, indeed, they belong to two different civilisations which are based mainly on conflicting ideas and conceptions. Their aspects on life and of life are different. It is quite clear that Hindus and Mussalmans derive their inspirations from different sources of history. They have different sources of history. They have different epics, their heroes are different, and different episodes. Very often the hero of one is foe of the other and, likewise, their victories and defeats overlap. To yoke together two such nations under a single State, one as a numerical minority and the other as a majority, must lead to growing discontent and final destruction of any fabric that may be so built up for the government of such a State."



Mr. Jinnah

Pakistan Resolution (1940).

On 23rd March 1940, the Pakistan resolution was passed by the All-India Muslim League at its Lahore session. The resolution runs thus : "Resolved that it is the considered view of this session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to Muslims unless it is designed on the following basic principles, namely, that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-Western and Eastern Zones of India should

be grouped to constitute 'Independent States' in which the constituent units shall be autonomous and sovereign.

"This adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in these regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them ; and in other parts of India where the Mussalmans are in a minority, adequate, effective and mandatory safeguards shall be specially provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

"This session further authorises the Working Committee to frame a scheme of constitution in accordance with these basic principles providing for the assumption finally by the respective regions of all powers such as defence, external affairs, communications, customs and such other matters as may be necessary."

According to Dr. Lal Bahadur, "The Lahore Resolution was the highest culmination of Muslim aspirations roused by leaders from Sayid Ahmad's times. But it was never put so boldly as in 1940. It was vehemently criticised by organisations and individuals on several grounds and some believed it to be a practical impossibility but its authors knew that it would, one day, be a reality and those who had statesmanship and political imagination understood the danger lurking behind a demand of this character. It gave the League a new ambition and a new programme. A renewed stress was laid on the two-nation theory and communal differences were exaggerated with redoubled energy. It was, therefore, natural that the relations between the Congress and the League be marred in their highest degree." The Pakistan Resolution was also a personal triumph for Mr. Jinnah and it established his dictatorial leadership beyond all possibility of overthrow. On account of the Second World War, the British Government also began to rely more and more on the support of the Muslim League and Mr. Jinnah took full advantage of this fact. To quote Mr. Jinnah himself, "After the war was declared, the Viceroy naturally wanted help from the Muslim League. It was only then that he realised that the Muslim League was a power. For it will be remembered that up to the time of the declaration of war, the Viceroy never thought of me but of Gandhi and Gandhi alone. I believe that was the worst shock that the Congress High Command received, because it challenged their sole authority to speak on behalf of India." The Pakistan Resolution also endorsed the previous resolutions of the Muslim League repudiating federation at the centre. It was specifically declared that federation was altogether unacceptable to the Muslim League. To quote Jinnah himself, "Before the War was declared, the greatest danger to the Muslims of India was the possible inauguration of the federal scheme in the Central Government....I am sure that we have made no small contribution towards persuading the British Government to abandon the scheme of Central Federal Government." The Pakistan Resolution also received with satis-

faction the Declaration of the Viceroy dated 18th October 1939 that the policy and plan of the Government of India Act, 1935, would be reconsidered. The Muslim League felt that it was strong enough to declare that no revised constitutional plan for India would be acceptable to Muslims if the same was framed without their approval and consent. The Pakistan Resolution insisted on the acceptance of the principle of division of the country. The Muslim majority areas were to be grouped into independent States which were to be autonomous and sovereign. The Resolution left the possibility of the extension of claim in some future favourable time. According to Dr. Rajendra Prasad, "When insisted to elaborate the scheme and furnish details as regards the territories to be included in the regions and other matters, he has refused to do so, insisting that the principle should be first accepted and then and only then will he be prepared to work out or disclose details." The Resolution did not explain the nature of the sovereignty to be enjoyed by the Muslim States. The ambiguities left by the Resolution were pointed out in these words by Dr. Rajendra Prasad : "The questions that arise are (*a*) Who is to frame the constitution ? (*b*) What is to be the nature of the constitution contemplated—theocratic, oligarchic, totalitarian, or any other ? (*c*) What is the relation of these independent States going to be with the British Empire and the non-Muslim zones ? (*d*) In case of breach of any of the mandatory safeguards for the protection of the minorities, how, by whom and under what sanction are these safeguards to be enforced ? (*e*) What are the territories to be included in the Muslim State or States ? (*f*) What will be their resources and position ? (*g*) What is the authority that will be in charge of defence, external affairs, etc. ?"

Pakistan became the key-stone of the ideological arch of the Muslim League after 1940. The idea met opposition from many quarters, but the Muslim League asserted its determination to achieve the ideal of Pakistan at all costs. The Anglo-Indian bureaucracy encouraged Jinnah in his demand.

Causes of Pakistan Demand.

Reference may be made to some of the causes which led to the demand for Pakistan.

(1) It has already been pointed out that the refusal of the Congress to form Coalition Ministries with the Muslim League alienated it and it raised a lot of hue and cry in the country against the so-called atrocities of the Congress Ministries on the Muslim minority.

(2) The Muslim League also objected to the Mass Contact Movement of the Congress under the leadership of Jawaharlal Nehru. It considered the Muslim to be its exclusive sphere. About the Mass Contact Movement, Sir Mohd. Iqbal wrote thus to Mr. M. A. Jinnah on 20th March 1937 : "I suppose you have read Pt. Jawaharlal Nehru's address to the All-India National Convention and that you fully realize the policy underlying it in so far as Indian Muslims are concerned I, therefore, suggest that an effective reply should be given to the All-India National Convention....To this Convention

you must re-state as clearly and as strongly as possible the political objective of the Indian Muslims, as a distinct political unit in the country." In the Lucknow session of the Muslim League held in October 1937, Mr. Jinnah observed thus : "I want the Mussalmans to ponder over the situation and decide their own fate by having one, single, definite, uniform policy which should be loyally followed throughout India."

(3) It has also been pointed out that the middle-classes among the Muslims were not satisfied with their future in India. They felt that the Hindus were more than a match for them in practically every sphere of life. There were no good prospects for them in a united India. It is these people who raised the cry of Pakistan where some very big jobs were sure to fall to their share.

(4) The Muslims also did not approve of the Wardha Education Scheme and the Vidya Mandir Scheme as advocated by the Congress Ministries. They felt that their religion was likely to be affected by the Congress schemes in various fields.

(5) Some Muslims held the view that if a Muslim State was set up in India, that could be taken as the first step towards the fulfilment of their dream of Pan-Islamism. Pakistan could become the centre which a movement could be started for the liberation of Muslims from foreign yoke.

(6) The Muslims became very sensitive regarding the general attitude of the caste-Hindus towards them. They felt that the touch-me-not attitude of the Hindus implied that the Hindus regarded the Muslims as inferiors. The Muslims considered themselves to be better than the Hindus and they could not tolerate the attitude of social boycott by the Hindus.

(7) The utterances of some of the Hindu Mahasabha leaders in India also gave the Muslim Leaguers a handle. Shri V. D. Savarkar preached the gospel of Hindu Rashtra in 1937 and described the Congress as anti-Hindu and pro-Muslim. He appealed to the Hindus to repudiate the Congress and capture all the power in the country. Savarkar maintained that there were two separate nations in India and those were the Hindus and Muslims. The Muslims began to feel that in this atmosphere they were doomed to live under the superior authority of the Hindus who formed an overwhelming majority in the population of the country.

(8) It is also pointed out that the Sudetan Movement in Czechoslovakia also influenced the Muslim League in putting forward its demand for Pakistan.

(9) The British bureaucracy in India also played its part in goading on the Muslims to demand Pakistan for themselves.

It cannot be denied that the Cripps proposals of March 1942 recognised the claim of the Muslim League for Pakistan. The proposals recognised "the right of any province of British India that is not prepared to accept the new constitution to retain its present position, provision being made for its accession if it so decides. With such non-acceding provinces, should they so desire,

His Majesty's Government would be prepared to agree upon a new constitution, giving them the same full status as the Indian Union." No wonder, the Indian National Congress described the Cripps' proposals as "a severe blow to the conception of Indian unity."

The Congress Resolution laid down that "the acceptance beforehand of the novel principle of non-accession for a province is also a severe blow to the conception of Indian unity and an apple of discord likely to generate growing trouble in the provinces, and which may well lead to further difficulties in the way of the Indian States merging themselves in the Indian Union."

According to Mr. Jinnah, the Pakistan idea embodied in the Cripps' proposals was nebulous and serious obstacles were put in the way of its realisation. In his presidential address at the Allahabad session of the All-India Muslim League held on 4th April 1942, Mr. Jinnah observed thus: "The alleged power of the minority in the matter of secession suggested in the document is illusory, as Hindu India will dominate the decision in favour of one All-India Union in all the provinces and the Muslims in Bengal and the Punjab will be at the mercy of Hindu minority in those provinces, who will exert themselves to the fullest extent and length for keeping the Mussalmans tied to the chariot-wheel of Hindustan." The Working Committee of the Muslim League passed the following resolution on 11th April 1942: "The Committee, while expressing their gratification that the possibility of Pakistan is recognised by implication by providing for the establishment of two or more independent unions in India, regret that the proposals of His Majesty's Government, embodying the fundamentals, are not open to any modification and, therefore, no alternative proposals are invited." The history of the Muslim League after the return of the Cripps Mission was one of ever-increasing demand of Pakistan. It was declared that "any scheme which seeks to torpedo the Pakistan demand of Muslim India will be resisted by the Muslim League and as such any political party which stands for the establishment of a democratic State in India can have no agreement with the Muslim League."

According to Dr. Shyama Prasad Mukerjee, the Cripps' proposals were likely to "sound the death knell of Indian unity and freedom. India will then become a veritable chessboard on which not only Indian provinces (constituted mainly on a religious basis) may fight with each other but interested foreign nations may find ample scope for fateful intrigues and dissensions." According to Sir Bijoy Prasad Singh Roy, "The Cripps Mission led to (1) the stiffening of the attitude of Mahatma Gandhi and the Congress; (2) the insistence of the demand by Mr. Jinnah and the Muslim League for Pakitan; (3) the dissociation of Mr. C. Rajagopalachari from the Congress with a number of his disciples in Madras; (4) the growth of a sense of frustration in non-Congress political parties." According to Dr. Lal Bahadur, "The provision of non-accession provinces in Cripps' proposals was undoubtedly disastrous in this connection. On the one hand, it whetted the demand for Pakistan and, on the other, it raised dormant potentialities for its

opposition. In Cripps' proposals' therefore, lay the germs of straind relations between the two communities of India." (*The Muslim League*, p. 296).

Dr Latif's Scheme.

Dr. Latif prepared a scheme for dividing India into cultural zones and then confederating them. He was in favour of the transfer of populations on a large scale with a view to making the zones homogeneous. In addition to the North-Western and Eastern States for the Muslims, Dr. Latif advocated the creation of two more States for them. The Muslims living in the U. P. and Bihar were to be concentrated in "a block extending in a line from the eastern border of Patiala to Lucknow, rounding up Rampur on the way." This State was to be known as the Delhi-Lucknow State. To quote him, "The Muslims below the Vindhyas and Satpuras are scattered all over the North in colonies of varying sizes and exceed 12 millions in number. For them a zone is to be carved. Such a zone the Dominions of Hyderabad and Berar may provide with a narrow strip of territory resorted to them in the South, running down, *viz.*, Kurnool and Cudappah to the city of Madras. There is a communal school of thought among the Muslims who prefer to have an opening to the western coast *via* Bijapur. Such a strip with an opening to the sea will be found necessary to settle the large Muslim mercantile and marine community living for ages on the Coromondel and Malabar coast " Dr. Latif was in favour of giving the ports of Calcutta and Madras to the Muslim zone.

The Aligarh Scheme.

The Aligarh scheme was prepared by Professor Zafrul Hussan and Mohammad Afzal Hassan Qadri. According to the scheme, Berar and Karnatak were to be restored to Hyderabad. Moreover, all the towns of India with a population of 50,000 or more were to have the status of a borough with a large measure of autonomy. After the partition of India, the Muslims were to be recognised in Hindustan as a separate nation and allowed to have their separate organisation.

Edward Thompson had a conversation with Jinnah on the consequences of having two nations in one country. Thompson told Jinnah : "Two nations, Mr. Jinnah, confronting each other in every province, every town, every village." Jinnah's reply was : "*Two Nations, confronting each other in every province, every town, every village, that is the only solution.*" Thompson replied : "That is a very terrible solution. Mr. Jinnah," The reply of Jinnah was : "It is a terrible solution. But it is the only one." (*Enlist India for Freedom*, p. 52).

Formula of Rajagopalachari.

In 1944, Rajagopalachari put forward his formula with the consent of Mahatma Gandhi to satisfy the demands of the Muslims. The formula accepted the principle of Pakistan. According to this formula, the Muslim League was to support the demand of the Congress for independence of India. During the transitional period

the Muslim League was to join hands with the Congress in forming a provisional Government. After the war, a Commission was to be appointed to demarcrate those contiguous areas in North-West and North-East India in which the Muslims were in an absolute majority. A plebiscite of all the inhabitants of those areas was to be taken to decide whether those areas wanted to be separated from Hindustan or not. If they decided to be separated, agreements were to be made for defence, communications, etc. These terms were binding on the parties only if the British Government transferred all control into the hands of Indians for the administration of the country. Jinnah rejected the formula of Rajaji. He condemned the offer of a "maimed, mutilated and moth-eaten" Pakistan. He declared that he would not accept anything less than the six provinces of Sind, Punjab, N.W.F.P., Baluchistan, Bengal and Assam, subject only to the adjustment of their territories. Moreover, he was not prepared to allow the non-Muslims living in the Muslim-majority areas to vote along with the Muslims.

Cabinet Mission.

After the end of the Second World War, elections were held in the provinces. The Muslim League was able to secure 446 seats out of a total of 495 Muslim seats. It was clear that the Muslim League had gained in strength and it had won success on the demand for Pakistan. Mr. Attlee, Prime Minister of England, declared that "the British Government recognised India's right to complete independence and to decide whether to remain within the British Commonwealth or not." He also declared that a "minority could not be allowed to veto the progress of the mojority." He announced the decision of the Government to send a delegation of Cabinet Ministers to India to suggest a solution for the Indian problem. The Cabinet Mission reached India in March 1946. The members of the Mission met the leaders of the various parties. As they failed to persuade the political parties to come to an agreed settlement, they published their own proposals on 16th March 1946. After a careful examination of the demands of the Muslim League for Pakistan, the Mission came to the conclusion that it was not practicable to set up a sovereign Muslim State Pakistan was not an acceptable solution for the communal problem. A proposal was made for a Federal Union of India. The Union Government was given very few powers. Provision was made for the grouping of provinces. Differences arose between the Congress and the Muslim League with regard to the clause relating to the grouping of provinces. The view of the Congress was that the grouping was to be a voluntary affair. The League maintained that it was to be compulsory. Ultimately, on 6th December 1946 the British Government gave its own interpretation in favour of the League.

Certain difficulties cropped up with regard to the formation of the interim Government as provided for in the Cabinet Mission Scheme. On 16th June 1946, Lord Wavell issuied invitations to six representatives of the Congress, five representatves of the Muslim League and three representatives of minorities. The Congress demanded the right to include one nationalist Muslim in its list of

six members. As its claim was rejected, the Congress refused to join the Interim Government. The Muslim League demanded that it should be allowed to form the Government even without the Congress. This view was not accepted by Lord Wavell and he appointed a 'caretaker' Government of officials. Jinnah attacked the British Government and on 29th July 1946, the Muslim League withdrew its acceptance of the Cabinet Mission Scheme. It decided to prepare a programme for Direct Action "to achieve Pakistan.... and to get rid of the present slavery under the British and the contemplated future of Hindu domination."

On 6th August 1946 Lord Wavell invited the Congress to form the interim Government at the Centre and the latter accepted the invitation. The Muslim League fixed 16th August 1946 as the Direct Action Day. To facilitate the Action of the League, the League Ministry of Bengal declared 16th August a public holiday. On that day there was a lot of bloodshed in Calcutta and Sylhet. The great Calcutta Killing was followed by bloodshed in Noakhali and Tipperah. There were abductions, forced marriages, rapes, compulsory conversions to Islam and destitution of families.

On 2nd September 1946, Wavell administrated the oath of allegiance to the members of the Interim Government in the Council Room of the Viceroy's House. When this was being done inside rival crowds outside were shouting: "Victory to Hindustan; Long live Congress Committee" and "Death of Congress; Long live Pakistan."

The League was anxious to enter the Interim Government to play its own part. Although the Muslim League did not undertake to work in a spirit of cooperation with other members of the Interim Government and also did not agree to join the deliberations of the Constituent Assembly Lord Wavell took five nominees of the League into the Interim Government.

The first meeting of the Constituent Assembly was held on 9th December 1946. The Muslim League boycotted it and denounced the resolution of the Constituent Assembly as "*ultra vires*, invalid and illegal."

Riots also took place in Bihar, Garhmukteswar, Lahore and Rawalpindi. The Muslims threatened to revive the days of Halaku and Chengiz Khan. Nothing was done to suppress the agitation of the League in the Punjab and law and order was allowed to collapse in that province. It was in that atmosphere of lawlessness that the Prime Minister of England declared on 20th February 1947 that the British Government would transfer power into the hands of the Indians by a date not later than June 1948. It was also declared that the British Government "would have to consider to whom the powers of the Central Government in British India should be handed over on the due date, whether as a whole to some form of Central Government for British India or in some areas to the existing Provincial Governments or in some such other way as may seem most reasonable and in the best interests of the Indian people."

Lord Mountbatten's Plan of June 3, 1947 provided for the establishment of two separate dominions of India and Pakistan and the British Government was to withdraw from India on 15th August, 1947. The provinces of Bengal and Punjab were to be partitioned. The Indian Independence Act was passed by the British Parliament in July 1947 and on 14th August, M. A. Jinnah was declared the Governor-General of Pakistan and thus Pakistan became a reality.

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CHAPTER XXIII

LEADERS OF MODERN INDIA

In order to understand properly the development of nationalism in our country, it is desirable to study the lives and contribution of some of the greatest leaders of modern India and this chapter is devoted to that purpose.

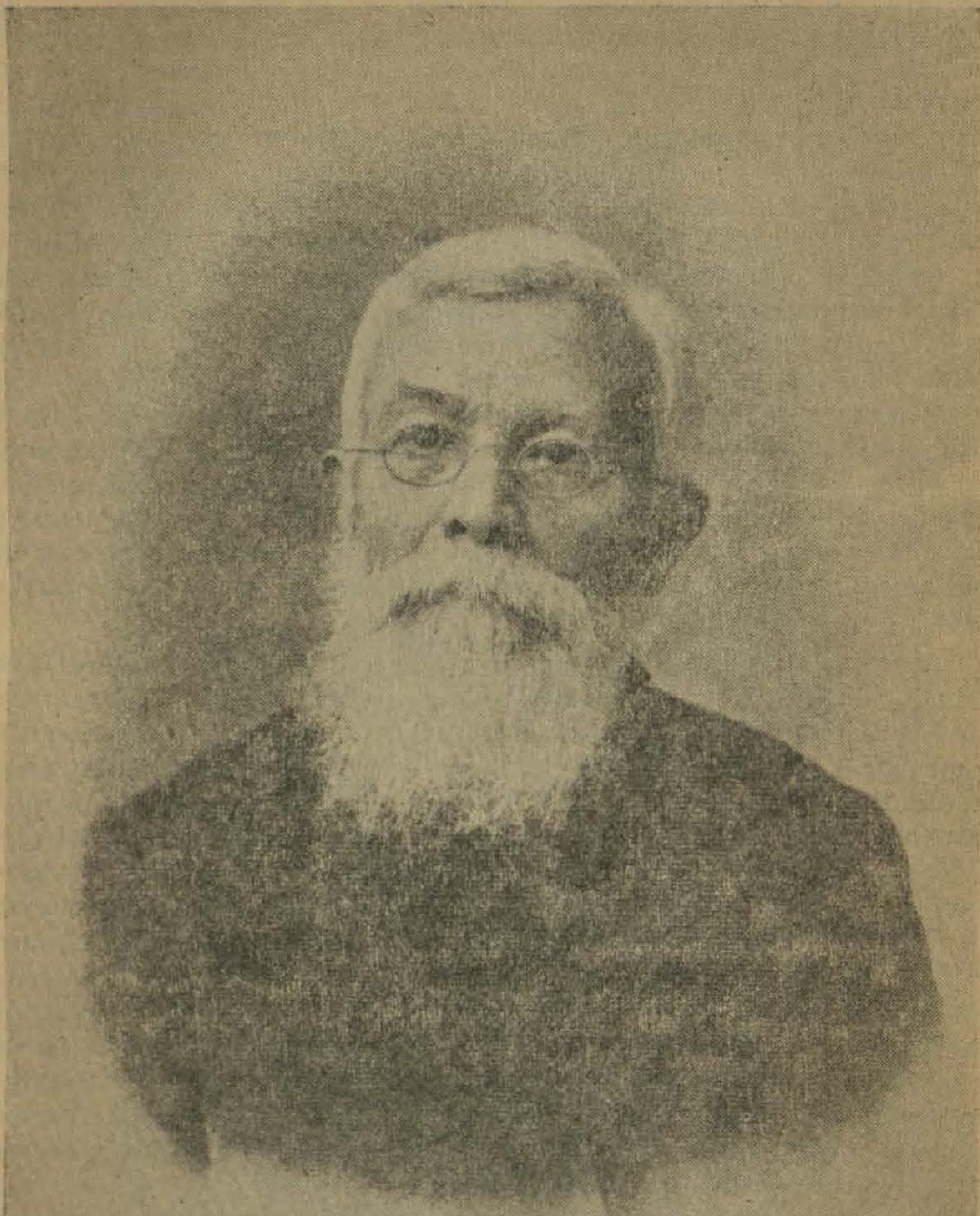
Dadabhai Naoroji (1825-1917).

Dadabhai Naoroji, affectionately known as the *Grand Old Man of India*, served India for 61 long years—40 years before foundation of the Indian National Congress and 21 years after that. He was permanently settled in England and was elected a member of the House of Commons from an English Constituency. For some time, he was the Prime Minister of Baroda. He founded the British Indian Society in England to carry on propaganda in favour of India.

He was elected the President of the Congress thrice, *viz.*, in 1886, 1893 and 1906. His election as the President of the Congress for the second time, 1893, was an appreciation of his election to the House of Commons On that occasion, he took the opportunity to exhort the British "not to drive this force (the educated Indians) into opposition instead of drawing it to your own side." He contended that "this Congress represents the aristocracy of intellect." He hoped that "our faith in the instinctive love of justice and fair-play of the United Kingdom is not misplaced." "The day, I hope, is not distant when the world will see the noblest spectacle of a great nation like the British holding out the hand of true fellow-citizenship and of justice."

He was elected the President of the Congress in 1906 as the Moderates felt that he was the only person who was not likely to be opposed by the Extremists. At that time, there was a lot of excitement in the country. The anti-Partition agitation was going on in Bengal. Swadeshi and Boycott were in the air. Even in 1906, Dadabhai Naoroji had not given up his faith in the justice of the Englishmen. In his Presidential address in 1906, he observed thus: "Our faith and our future are in our hands. If we are true to ourselves and to our country and make all the necessary sacrifices for our elevation and amelioration, I for one have not a shadow of doubt that in dealing with such justice-loving, fair minded people as the British, we may rest assured that we shall not work in vain. It is this conviction which has supported me against all difficulties." However, it cannot be denied that the credit of demanding Swaraj from the Congress platform for the first time belongs to Dadabhai Naoroji. Swaraj was the key-note of his Presidential address at the Calcutta session. To quote him, "We do not ask for favours. We want only justice. Instead of going into any further divisions or

details of our rights as British citizens, the whole matter can be comprised in one word—self-government or Swaraj, like that of the United Kingdom or the Colonies."



Dadabhai Naoroji

It was under his Presidentship in 1906 that four resolutions on self-government, boycott movement, swadeshi and national education were passed by the Congress.

Dadabhai Naoroji was the first Indian politician to draw the attention of the people to the drain of India's wealth to Great Britain as a result of the British rule in India. He gave his views in the

famous book entitled *Poverty and Un British Rule in India.* Dadabhai Naoroji wrote thus to J. D. Sunderland in 1905 : "The lot of India is a very sad one. Her condition is that of a master and slave ; but it is worse : it is that of a plundered nation in the hands of constant plunderers with the plunder carried away clean out of the land. In the case of plundering raids occasionally made on India before the English came, the invaders went away and there were long intervals of security during which the land could recoup and become again rich and prosperous. But nothing of the kind is true now. The British invasion is continuous and the plunder goes right on with no intermission and actually increases and the impoverished Indian nation has no opportunity whatever to recuperate." According to Dr. Pattabhi Sitaramayya, "Dadabhai Naoroji pointed out how since 1889-94 the population grew by 14 per cent but the net Government administrative expenditure by 16 per cent, while since 1884-85 the population grew by 18 per cent and the expenditure by 17 per cent. The military expenditure alone rose from Rs. 17 to 32 crores, 7 crores being spent in England. The recommendations of the Welby Commission in favour of an apportionment of the military expenditure between England and India were honoured in letter but disregarded in spirit for a contribution was made by England but the pay of the English soldiers were raised so as to take away thrice the contribution made."

According to Dr. Pattabhi Sitaramayya, the name of Dadabhai Naoroji comes first in the list of Indian patriarchs who "beginning his connection with the Congress from its very outset, continued to serve it till the evening of his life, and took it through the whole gamut of evolution, from the humble position of being a people's organ seeking redress of administrative grievances to that of a National Assembly working for the definite object of attaining Swaraj." Again, "it is impossible to recount within the short space of a few pages the services of one who lived and worked incessantly for India's uplift, whose pen knew no rest and whom Providence gave more than the proverbial three score years and ten. Dadabhai lived and laboured and has left behind him not only the noble example of a dedicated life but also in flesh and blood his grand daughters who are maintaining the noble traditions created by him." According to C. Y. Chintamani, "For 61 long years in England and India, by day and by night in circumstances favourable and adverse, in the face of discouragement which would have broken the heart of a smaller man, Dadabhai Naoroji served the Motherland with undeviating purpose, with complete selflessness and with vitality of faith which put to shame most youngmen. Withal, he was the greatest of souls and the most charitable in judgment and never made a personal enemy. In respect equally of the highest personal character and the greatest public services, Dadabhai Naoroji was the loftiest ideal his countrymen could set before themselves respectively to follow at a distance." Again, "The public life of India has been adorned by a galaxy of brilliant intellects and selfless patriots, but there has been in our time none comparable with Dadabhai Naoroji." According to Gokhale, "If ever there is the divine in man, it is in Dadabhai Naoroji."

Gopal Krishan Gokhale (1866-1915).

Gopal Krishan Gokhale was born at Kohlapur in 1866. He possessed remarkable qualities of head and heart and rose rapidly in



Gopal Krishan Gokhale

life. He became a graduate at 18, a professor at 20, a member of the Bombay Legislative Council at 22 and President of the Indian National Congress at 39. He had an enormous capacity for hard work. His knowledge was vast, varied and exact. He was a master of direct expression and lucid exposition. According to Chintamani, who regarded Gokhale as his Guru, "He (Gokhale) was so intellectually honest that he would never utter an opinion except after cross-examining himself severely."

He started his life as a teacher, as a follower of Justice Ranade. Dr. Zacharias rightly points out that never had a Guru a more apt

pupil than Ranade in Gokhale. He imbibed the spirit of the master and never wavered from the path of moderation and sweet-reasonableness as laid down by Ranade. He joined the Deccan Education Society and very soon he became the Principal of the Fergusson College. For about 20 years, he worked on a nominal salary of Rs. 70 per month. He became the editor of the Quarterly Journal of the Poona Sarvajanik Sabha in 1887. Later on he became the Honorary Secretary of the Deccan Sabha. In 1897, he went to England to give evidence before the Welby Commission on Indian expenditure. He attacked Salt Tax as levied in India on account of the suffering which was caused to the poor people. He criticised the policy of the Government in excluding the Indians from the higher jobs in the country. He condemned the partition of Bengal and bitterly observed thus : "Then, all I can say is good-bye to all hope of cooperating, in any way with bureaucracy, in the interests of the people." In 1905, he went to England to do propaganda on behalf of India. He went to South Africa and helped Mahatma Gandhi in his work and no wonder it was on his suggestion that Mahatma Gandhi decided to come to India to start his public life in this country. In 1905, Gokhale founded the Servants of India Society for the purpose of training "public workers pledged to work for the Motherland on a pittance and subject to rules of rigid discipline as well as loyalty to the Empire. In the preamble to the constitution of the Society, Gokhale wrote thus : "A sufficient number of our countrymen must now come forward to devote themselves to the cause in the spirit in which religious work is undertaken. Public life must be spiritualized. Love of the country must to fill the heart that all else shall appear as of little moment by its side."

Gokhale had always a soft corner in his heart for the "starving, shrunken, shrivelled-up ryot toiling and moiling from dawn to dark to earn his scanty meal, patient, resigned forbearing, beyond measure, entirely voiceless in the Parliament of his Rulers and meekly prepared to bear whatever burdens God and man might be pleased to impose upon his back."

There are different views with regard to the place of Gokhale in the history of national development in India. While the Extremists in India dubbed him as a 'faint-hearted Moderate' who was prepared to be a willing tool in the hands of the British Government, the reactionaries described him as a "seditionist in disguise." As a matter of fact, he was neither a revolutionary nor a reactionary. He hated both the extremes. He was a constructive statesman who understood and fought for the rights and liberties of the people of India, but he was not prepared to ignore or belittle the difficulties of the Government of India. While he emphasized on the Government the necessity of understanding the point of view of the Indians, he requested the latter to move cautiously. It has rightly been pointed out that Gokhale "interpreted popular aspirations to the Viceroy and the Government's difficulties to the Congress." The people disparaged his moderation and the Government deprecated his extremism. His role was that of a unifier and reconciler. His view was that while both Britain and India stood to lose by mutual jealousies

and hatred, a lot could be gained by goodwill and healthy cooperation. To quote Gokhale, "The Englishman who imagines that India can be governed much longer on the same lines as in the past, and the Indian who thinks that he must seek a destiny for his country outside this Empire, of which now, for better or worse, we are a part—both alike show an inadequate appreciation of the realities of the present situation."

Gokhale attached great importance to the maintenance of law and order and was ready to grant the Government of India extraordinary powers to cope with the situation. Although the Indian Press Act, 1910 was a drastic step on the part of the Government of India, and was condemned by the public opinion in the country, he supported the bill in the Imperial Legislature in these words: "My Lord, in ordinary times I should have deemed it my duty to resist such proposals to the utmost of my power. The risks involved in them are grave and obvious. But in view of the situation that exists in several parts of the country today, I have reluctantly come, after a careful and anxious consideration, to the conclusion that I should not be justified in opposing the principle of this Bill. It is not merely the assassinations that have taken place, or the conspiracies that have come to light, or the political dacoities that are being committed that fill me with anxiety. The air in many places is still thick with ideas that are undoubtedly antagonistic to the *unquestioned continuance of British rule, with which our hopes of a peaceful evolution are bound up*; and this is a feature of the situation quite as serious as anything else. Several causes have contributed to produce this result of which the writings in a section of the press have been one. And to the extent to which a remedy can be applied to these writings by such executive action as is contemplated in the Bill, I am not prepared to say that the remedy should not be applied." He made a similar statement in 1911. Addressing the Council, he remarked: "Why, my Lord, even if I could defeat the Government today I would not do it. I would not do it for this reason: the prestige of the Government is an important asset at the present stage of the country and I would not lightly disturb it."

If he asked the people of India to move slowly, he impressed upon the Government the necessity of following the progressive policy towards India. No wonder, he moved Lord Morley to grant immediately an instalment of reforms with a view to winning over a part of the people on the side of the Government. The part played by Gokhale in the passage of the Minto-Morley Reforms is well-known. He referred to the reforms at the Madras session of the Indian National Congress as a "large and generous concession" by the Government to the people of India. He held the view that the people were never interested in disorder and chaos. If they were driven to that path, there was always some cause of discontent. The wise course to adopt was not one of repression, but to analyse the situation and remove the sources of trouble. To quote Gokhale: "There is only one way in which the wings of disaffection can be clipped and that is by the Government pursuing a policy of steady and courageous conciliation." The words that he used to praise

Lord Minto and Morley as the joint authors of the Reforms of 1909 follow the same line of argument. He said, "My Lord, I sincerely believe that your Lordship and Lord Morley have between you saved India from drifting towards what cannot be described by any other name than chaos. For, however strong a government may be, repression never can put down the aspirations of a people and never will."

According to Hoyland, "He was a great master of the possible, a constructive statesman of the first rank, a bringer-together of East and West in the common service of the needy : above all, an idealist, a foreseer, a prophet of new era of inter-racial goodwill and cooperation." According to Dr. V. H. Rutherford, Gokhale was "a diplomatist to his finger-tips, who knew how to play on the national lyre without offending the official ear." According to Tilak, Gokhale was "the diamond of India, the jewel of Maharashtra and the prince of workers." According to Mahatma Gandhi, "Sir Pherozeshah had seemed to me like the Himalayas unscalable, the Lokamanya like the ocean one could not easily launch forth on the sea. But Gokhale was as the Ganges—it invited one to its bosom. In the sphere of politics, the place that Gokhale occupied in my heart during his lifetime and occupies even now has been and is unique." According to Lajpat Rai, Gokhale was the noblest and the best of Congress workers and his patriotism was of the highest and noblest type. According to Lord Curzon, "God has endowed you (Gokhale) with extraordinary abilities which you have placed unreservedly at the disposal of your country." According to Lord Morley, Gokhale had a "politician's head and a sense of executive responsibility."

Lokmanya Bal Gangadhar Tilak (1856-1920).

Bal Gangadhar Tilak was born on 23rd July 1856 and he died in August 1920. He was born in a Brahmin family in Maharashtra. He was a staunch Hindu and was well-versed in the Hindu scriptures. He took his law degree in 1879 and in collaboration with Agarkar, started a school for giving cheap education to the people. The Poona New English School founded by them made wonderful progress within a short time. In conjunction with other workers, the *Kesari* and the *Maharatta* were started. He was associated with the foundation of the Deccan Educational Society and the Fergusson College.

He started anti-cow killing societies, *Akharas* and Lathi Clubs with the object of creating among the people of Maharashtra a manly spirit so that they might be able to sacrifice themselves for the freedom of the country. He organised the *Ganapati Festival* and in doing so his purpose was to infuse among youngmen both religious and patriotic fervour. They were to learn to work together with courage, enthusiasm and discipline. The *Ganapati Festival* became more and more popular every year and it brought millions of Maharashtrians together on the same platform. It created in them the feeling of oneness. It awakened among them a new zeal. Tilak also started the *Shivaji Movement* in 1895. His object was to inspire the youth of India to follow the example of Shivaji and release India from the

political bondage of the foreigners. On the occasion of Shivaji Festival, there were lectures, fencing with Lathis, processions, *Kathas* and singing parties. About Afzal Khan's murder by Shivaji, Tilak observed thus : "With benevolent intentions Shivaji murdered Afzal Khan for the good of others. If thieves enter our house and we have not sufficient strength in our wrists to drive them out, we should, without hesitation, shut them up and burn them alive."



Bal Gangadhar Tilak

In 1897, Tilak was arrested for sedition and sentenced to 18 months' rigorous imprisonment by Judge Strachey. The Jury which tried him consisted of 6 Europeans and 3 Indians and all the Europeans found him guilty while all the Indians found him not guilty.

In 1908, he was tried for sedition and sente ced to 6 years' imprisonment. He was tried by a Jury consisting of 7 Europeans

and 2 Indians. All the Europeans found him guilty and all the Indians found him not guilty. Tilak had to spend 6 years of imprisonment in the Mandalay Jail in Burma from 1908 to 1914.

Tilak brought a suit against Sir Valentine Chirol for libel and personally went to England to conduct that case. The Government of India and the British bureaucracy wholeheartedly helped Chirol and no wonder the suit was lost in 1919.

When the First World War started in 1914, he asked the people of India to help the British Government to the best of their ability. When he did so, he expected a reciprocal gesture from the British Government. He continued to follow this policy for two years. Instead of any reciprocal gesture on the part of the Government, the authorities in India put all kinds of obstacles in the Home Rule Movement started by him. The workers were not allowed to hold their public meetings. The result was that Tilak began to criticise the Government openly. His definite stand was that unless the people of India were assured of Home Rule, they must not help the British Government in war.

Views on National Language. Tilak was the first Congress Leader to suggest that Hindi, written in Devanagari script, should be the national language of India. At a Conference of the Nagari Pracharini Sabha held in December 1915 he declared that Devanagari should not only be the common script of the Aryan languages but also of the script of the national language.

Tilak was a research scholar of international fame. In spite of his being otherwise busy, he managed to produce works on the antiquity of the Vedas, *The Orion and the Arctic Home of the Vedas*. Dr. Bloomfield of John Hopkins University spoke of the Orion as "unquestionably the literary sensation of the year. History, the chronic re-adjuster, will have our hands uncommonly full to assimilate the results of Tilak's discovery and arrange her paraphernalia in the new perspective." Likewise, Tilak's *Gita Rahasya* which was written during his long imprisonment in Mandalay jail, is a monumental work and is rightly considered as his greatest contribution to philosophical thought. In this book, Tilak gave a new interpretation of the *Gita*. He demolished the old theory that a liberated soul had no obligation towards his fellow human-beings. Tilak gave the youth of India a new ideal to work for, the ideal of selfless and disinterested service to humanity.

Philosophy of Defiance. The great contribution of Tilak was that he taught the *philosophy of defiance* to the people of India. He was born in an age which can be described as dark. The powerful impact of foreign rule had reduced the people to a state of utter helplessness. The failure of the Indian mutiny had broken the will of the people to resist the British Raj. It is true that the Indian National Congress was founded in 1885, but the British Government did not take it seriously. To begin with, it was regarded as something harmless and mildly liberal. It passed resolutions of loyalty to the throne and prayed for the safety and prosperity of the British Empire. There was not a word of hostile criticism in the resolutions

passed by the Congress. Nobody can doubt the patriotism of men like Sir Pherozeshah Mehta, Justice Ranade and Gokhale, but their vision was limited. The Moderates pointed out the defects in the system of British administration in India but they were always afraid of challenging the British authority. The result was that their eloquent and fiery speeches left the British rulers cold. They knew that their fire did not burn and their flourishing swords had no edge to them.

Tilak believed that the policy of the Congress must be changed. The Congress must learn to defy authority. It must be ready to make sacrifice for the sake of winning freedom for the country. He did not want the people to be violent for the realisation of India's freedom but if India could not be free by peaceful means, there was no harm in using violence as well. He believed that the end justifies the means. He advocated the programme of Swadeshi and boycott of foreign goods and everything foreign. He did not want the Congress to fight for small gains. He wanted to fight for the ideal of the independence of the country. He started the National Party to change the programme of the Congress. It is true that the Moderates had their way up to 1914, particularly because from 1908 to 1914 he was shut up in the Mandalay jail, but when he came out, the Moderates could not stand against him. He carried the day. *He converted the Congress from the admirers of the British Government into rebels against the British Empire.* It has rightly been pointed out that Mahatma Gandhi and Jawaharlal Nehru were able to rear the grand edifice of Swaraj on the foundations laid by Lokamanya Tilak.

There was fire in the speeches of Tilak. He was fearless in what he said. He did not care for the consequences. He was regarded as the most dangerous man by the British Government. He has been called the *father of Indian unrest*. The Governor of Bombay wrote thus to the Secretary of State for India in 1908 : "He (Tilak) is one of the chief conspirators, perhaps the chief conspirator, against the existence of the British Government in India, all the weak points of which he has made a careful study. *His Ganpati Festivals, Shivaji Celebrations, Paisa Fund and National Schools were all instituted for one purpose, the overthrow of British rule.*"

According to Ram Gopal, "He (Tilak) had forestalled Gandhi in all the movements that the Mahatma launched after Tilak's death ; no-rent campaign, boycott of government service, prohibition, Swadeshi were all preached and practised by him. "He talked of complete independence as back as 1897." Again, His was the life divine, and his countrymen elevated him not only to the position of Lokamanya, but adored him even as *Tilak Bhagwan*. In the encircling gloom, he appeared with a torch in his hand."

In 1908, the people shouted *Tilak Maharaj ki Jai* and *Chhatrapati Tilak Maharaj ki Jai*. He was regarded as great as Shivaji. During the disturbances in Bombay in 1908, a medal was struck having the effigy of Shivaji on one side and that of Tilak on the other. The names of Shivaji and Tilak were frequently coupled together and the latter came to be known as *the man who is to expel*

the British from India. According to Swami Shradhanand, "Maharaj Tilak occupies an exalted position among the pioneers of political work who were the first to preach the doctrine of political unity. What other hero has suffered so much in the service of the motherland as this illustrious person has done ? Will not the soldiers constituting the army for the service of the motherland bow down before the mandate of this weather-beaten General ?"

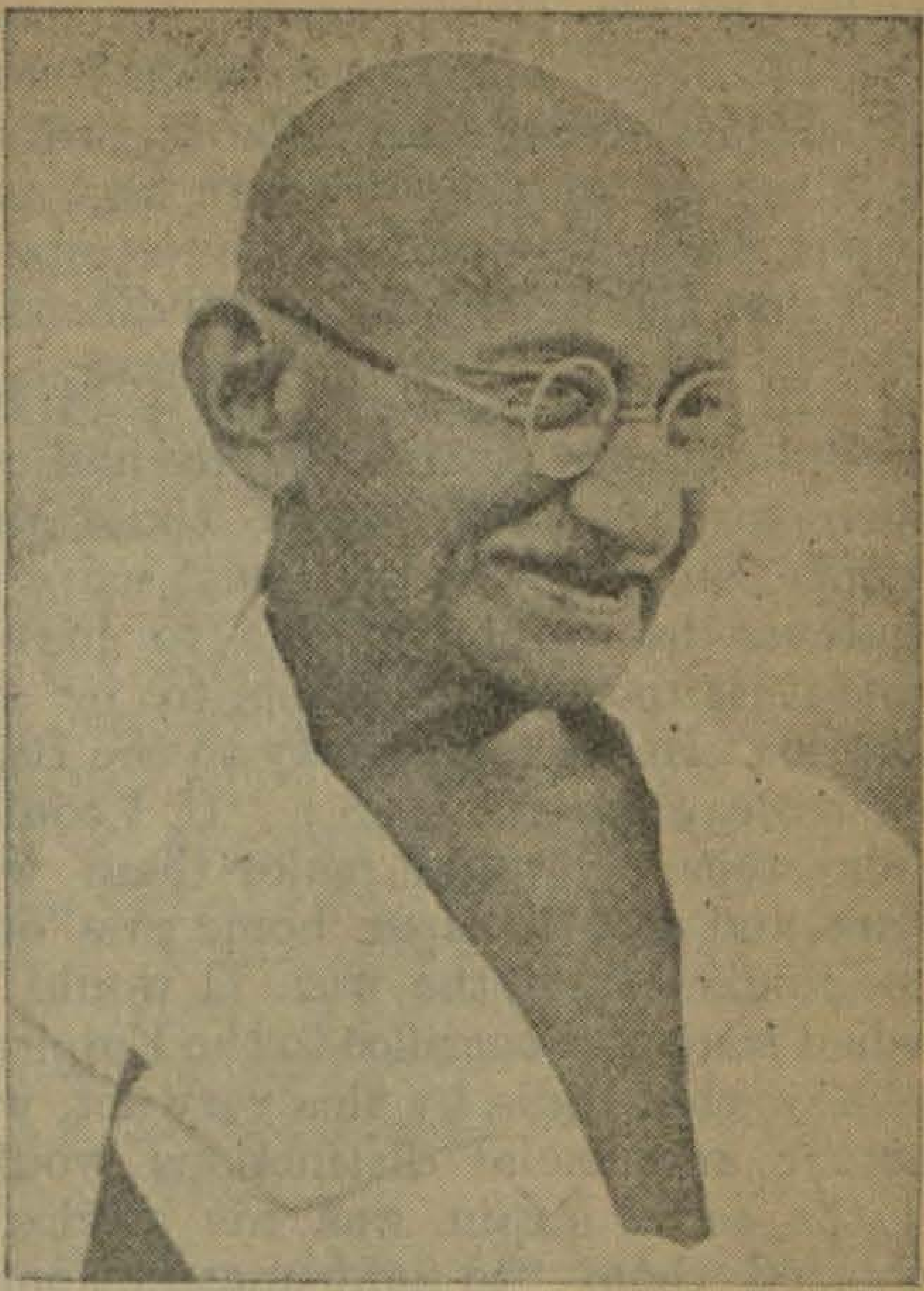
In 1908, the *Morning Leader* wrote thus about Tilak : "There are very few people in England in a position to realise what the arrest of Mr. Balgangadhar Tilak, the National leader of Poona, actually means in India. His personal power is unapproached by any other politician in the country ; he dominates the Deccan, his own country, and is adored with a kind of religious fervour by every Extremist from Bombay to the Bay of Bengal. The break-up of the National Congress at Surat was his doing ; his is the mind that conceived, his the pen that expressed, and his the force that has directed the extraordinary movement against which the bureaucracy is now calling up all its resources. *He is a thinker and fighter in one.*"

Comparison of Tilak aud Gokhale. Dr. Pattabhi Sitaramayya, the famous author of the *History of the Indian National Congress,* has attempted a comparison of Tilak and Gokhale in these words : "Tilak and Gokhale were both patriots of the first order. Both had made heavy sacrifices in life. But their temperaments were widely different from each other. Gokhale was a Moderate and Tilak was an Extremist if we may use the language in vogue at that time. Gokhale's aim was to improve the existing constitution, Tilak's was to reconstruct it. Gokhale had necessarily to fight it. *Gokhale stood for cooperation wherever possible and opposition where-ever necessary.* Tilak inclined towards a policy of obstruction. Gokhale's primary concern was with the administration and its improvement ; Tilak's supreme concern was the nation and its up-building. Gokhale's ideal was love and secrifice ; Tilak's was service and suffering. Gokhale's method sought to win the foreigner ; Tilak's to replace him. Gokhale depended upon others' help ; Tilak upon self-help. Gokhale looked to the classes and the intelligentsia ; Tilak to the masses and the millions. Gokhale's arena was the Council Chamber ; Tilak's forum was the village *Mandap.* Gokhale's objective was self-government for which the people had to fit themselves by answering the tests prescribed by the English ; Tilak's object was Swaraj which is the birth-right of every Indian and which he shall have without let or hindrance from the foreigner. Gokhale was on a level with his age ; Tilak was in advance of his times."

Mahatma Gandhi (1869-1948).

Mahatma Gandhi, the Father of the Indian Nation, was born on 2nd October 1869 at Porbander in Kathiawar. At the age of 79, he was shot dead at Delhi. His father was a Dewan at Porbander and Rajkot. He was married at the age of 12. At the age of 19, he left for Great Britain to qualify for the Bar. Before leaving India, he made a promise to his mother that he would avoid three things, *viz.*, meat, wine and women.

After qualifying himself for the Bar, Gandhiji began to practise at Rajkot and from there he shifted to Bombay. During his stay at Bombay, Gandhiji came into intimate contact with Rajchandra Ravjibhai. The latter exercised a tremendous influence on him. As a matter of fact, Gandhiji got his first lessons of non-violence and truth from Rajchandra Ravjibhai.



Mahatma Gandhi

Gandhiji went to South Africa in connection with a professional work on behalf of a Mohammedan firm. His stay in South Africa was the formative period of his political life. It was in South Africa that he put into practice his weapon of Satyagraha. He also developed self-confidence to lead a struggle. It was in that dark continent that he taught his countrymen to give up fear, resist evil by truth, and never to yield and strive to rise the full stature of manhood.

Gandhiji's opportunity came in 1906 when the Asiatic Registration Act was passed by the Government of South Africa. That Act required all Asiatics to register themselves and give their thumb impressions. This involved a measure of humiliation which was impossible for the Indians to put up with. Gandhiji not only protested against this enactment but also led a deputation to England. However, all that brought about no change. Under the leadership of Gandhiji, the Indians refused to get themselves registered or give their thumb impressions. The result was that thousands of them were sent to jail. Gandhiji himself was awarded two months' imprisonment. As the movement was a novel one and the Government found itself helpless, a compromise was arrived at. The Indians agreed to get themselves registered voluntarily and Gandhiji was the first to offer himself for registration. However, the struggle had to be started once again as the Transvaal authorities refused to carry out their part of the contract. There was a lot of resentment in India against the treatment of the Indians. Then the invasion of Transvaal took place. Two thousand men marched into Transvaal under the leadership of Gandhiji. The march was a great landmark. It was the march of truth against untruth, of justice against injustice and of non-violence against violence. A Commission of Inquiry was set up and ultimately the hated Asiatic Act was cancelled. The poll-tax was repealed. Marriages among the Indians were recognised.

Having won his laurels in South Africa, Mahatma Gandhi came to India in 1914. At that time he had complete faith in the love of justice of the Englishmen. No wonder, he appealed to the Indians to help the British Government unconditionally. It was after 1918 that doubts arose in his mind regarding the ideals of the British rule. The passing of the Rowlatt Bill in the teeth of opposition by the people, had profound influence on his mind. It became his firm faith that the British rule in India was Satanic.

In 1915, Gandhiji had said that "as a passive resister, I discovered that the British Empire had certain ideals with which I have fallen in love and one of those ideals is that every subject of the British Empire has the freest scope for his energies and honour and whatever he thinks is due to his conscience.... And I have found that it is possible for me to be governed least under the British Empire. Hence my loyalty to the British Empire." To the Viceroy, he wrote thus in 1918: "If I could make my countrymen retrace their steps, I would make them withdraw all the Congress resolutions and not whisper 'home rule' or responsible government during the pendency of the war. I would make India offer all her able-bodied sons as a sacrifice to the Empire at this critical movement; and I know that India by this very act, would become the most favoured partner and racial distinctions would become a thing of the past." In the same strain was his advice to his countrymen in which he exhorted them "to fight unconditionally into death with Britain for victory and agitate simultaneously also unto death if we must, for the reforms which we desire." The Rowlatt Act, the Punjab disorders and the Khilafat agitation, however, completely shattered his belief in the justice and good faith of England. In a letter to the Viceroy written in August 1920 he wrote thus: "Events that have happened during the past month have confirmed me in the opinion that the Imperial Government have acted in the Khilafat matter in an unscrupulous, immoral and unjust manner, and have been moving from wrong to wrong in order to defend their immorality. I can retain neither respect nor affection for such a government. Your Excellency's light-hearted treatment of official crime, your exoneration of Sir Michael O'Dwyer, Mr. Montagu's Despatch, and above all the shameful ignorance of the Punjab events and the callous disregard of the feelings of Indians betrayed by the House of Lords, have filled me with the gravest misgivings regarding the future of the Empire, have estranged me completely from the present government and have disabled me from rendering, as I have hitherto wholeheartedly rendered, my total cooperation."

A special session of the Congress was held at Calcutta in September 1920, and this session marks the beginning of the *Gandhian era*. Under Gandhiji, the Congress became more and more representative of the people, with a distinctive economic, moral, social and political programme and all flowing from the genius of one man. Gandhiji's resolution was carried by a majority of 1,866 votes against 884.

Mahatma Gandhi combined his Non-Cooperation Movement with the Khilafat Movement. He believed in the ideal of Hindu-

Muslim unity. In spite of this outward coöperation for some time, it was found that there was no union of hearts. Differences arose between the Hindus and Muslims. The Moplah revolt in Malabar opened the eyes of the Hindus. Riots took place in Bombay on the day the Prince of Wales' landed in that city. In February 1922, there took place serious rioting at Chauri-Chaura near Gorakhpur in Uttar Pradesh. At the place, 21 constables and one sub-inspector of police were shut up in a police station and burnt alive by a mob. The result was that Gandhiji withdrew his Non-Cooperation Movement. He was arrested by the Government and sentenced to six years' simple imprisonment. At his trial, he pleaded guilty to the charge and made the following remark in his reply to the judge : "Non-violence is the first article of my faith. It is the last article of my faith. But I had to make my choice ; I have either to submit to a system which I consider has done irreparable harm to my country, or incur the risk of the mad fury of my people bursting forth when they understood the truth from my lips. I know that my people have sometimes gone mad, I am deeply sorry for it ; and I am therefore here to submit not to a light penalty but to the highest penalty. *I do not ask for mercy. I do not plead any extenuating act. I am here therefore to invite and submit to the highest penalty that can be inflicted upon me for* what in law is a deliberate crime and what appears to me to be the highest duty of a citizen."

There was a split within the Congress on the question of Council entry. Moti lal Nehru and C. R. Dass were in favour of the Congress entering the legislatures and fighting the Government from within also. However, a compromise was arrived at after some time and the Swarajist party got its blessings.

From then onwards, Mahatma Gandhi continued to dominate not only the Congress but also the entire politics of the country. His position was absolutely unchallenged. In 1931, he went to London to attend the Second Round Table Conference, but came back empty-handed on account of the attitude of the British Government and Mr. Jinnah. On many occasions, he decided to fast unto death for various causes. India won her independence on 15th August 1947 under his leadership but he himself was murdered on 30th January 1948 by a fanatical Hindu.

Mahatma Gandhi has rightly been called the Father of the Nation. He was in every sense of the word the creator of modern India. It was under him that India won her independence. It is true that Tilak had anticipated him by advocating a policy of strong action against the British Government instead of a policy of mendicancy as followed by the Moderates in India, but it cannot be denied that it was under Gandhiji that the nationalist movement in India became a mass movement and not a movement of the mere intelligentsia of India. He followed various methods to achieve his ends. He started the Non-Cooperation Movement. He started the Civil Disobedience Movement. He violated the laws of the country. It was under him that the Congress passed the Quit India Resolution. He fasted. He courted arrest. He defied the

might of the British Empire. But he did all this with one object and that was the liberation of this country.

Nagendranath Gupta has summed up the contribution of Mahatma Gandhi to the nationalist movement in India in these words : "The movement led by Mahatma Gandhi has brought into prominence some of the greatest men that India has known in recent times, men who would be considered great in any country at any time. If Mahatma Gandhi is the Prophet, they are undoubtedly his apostles. The national movement in India may easily be divided into two phases, one before Mahatma Gandhi had joined the Indian National Congress and the other after he became the most conspicuous figure in it. In the earlier stage, Congressmen confined themselves to agitation and oratory, to ever-repeated assertion of their birth-right to Home Rule and severe criticism of Governmental action, to constitutionalism and reformism. Only the very greatest of them risked and sacrificed everything for achieving their goal. The rank and file were passive onlookers and onhearers, so to say. This might have gone on for any number of years without any prospect of freedom for India. Then came Mahatma Gandhi with his experience of the Transvaal, his spiritual outlook, his gentle nature and his inflexible will. There were willing hearts in India waiting for his call and they at once realised the nature of the struggle that lay ahead of them. Since then the struggle for national freedom in India has grown ever wider and today it comprehends the entire nation, it has been a glorious record which is being added day after day, of sacrifice and suffering of women that vied with men in offering themselves as sacrifices at the altar of liberty. The old caution and timidity have disappeared for ever ; the prison has lost its hardships and degradation, and there are no signs of hesitation or reluctance to suffer. Men or women are filled with the spirit of martyrdom and the determination to win by suffering what was hitherto accomplished by violence."

Mahatma Gandhi put great emphasis on communal unity. He believed that both the Hindus and Muslims must live as brothers and sisters in the country and in his efforts to do so he lost his life also. When after the Khilafat Movement in India, relations became bitter between the Hindus and Muslims on account of the atrocities committed by the Muslims over the Hindus in various parts of India, Mahatma Gandhi went on a 21 days' fast in September 1924 as a penance. The communal situation deteriorated in India in 1946 and 1947 as a result of the policy of Direct Action followed by the Muslim League. Then took place the Calcutta Killing in August 1946. Something worse than that happened in Noakhali. There were repercussions in Bihar and Gurhmukteswar (in U.P.). Then there were riots in Rawalpindi, Lahore, etc. When the partition of India took place in August 1947, there was a wholesale killing of Hindus and Muslims by one another. All this was painful to Mahatma Gandhi. Instead of participating in the celebrations held in Delhi on 15th August 1947, at the time of transfer of power by the Englishmen into the hands of the Indians, Mahatma Gandhi decided to go to Noakhali in East Bengal. Bare-footed, he walked from village to village and tried to restore peace to that area. He did not

care for his life which could be finished at any time by any Muslim. After restoring peace there, he came back to Bihar and persuaded the Hindus to take back the Muslims who had left their homes in fear. After that, he went to Calcutta and although he was mobbed by the Hindus, he was able to stop the fury of the people against the Muslims. It was the fast of Mahatma Gandhi for 72 hours that brought about the change of atmosphere in Calcutta. In the words of Lord Mountbatten, "What fifty thousand well-equipped soldiers could not do, the Mahatma has done—he has brought peace. He is a one-man boundary force." After Calcutta, Mahatma Gandhi came to Delhi where the Hindus were determined to turn out the Muslims from the Capital of India. Lakhs of Hindu refugees had come to Delhi from West Pakistan and they clamoured for the turning out of the Muslims from Delhi to make room for them. They would have succeeded in their object if Mahatma Gandhi had not come to Delhi for the next few days. Mahatma Gandhi refused to allow the Hindus to turn out the Muslims. He went on a fast and demanded that the Hindus must allow the Muslims to live in Delhi. The mosques of the Muslims were restored to them and the Muslims were allowed to live in peace.

Mahatmaji was a great social reformer. He took up the cause of the depressed classes in India and devoted the whole of his life to this noble mission. He asked the Hindus to give up their old prejudices against the depressed classes. He asked them to open their temples for their worship. He himself lived in their quarters. Instead of calling them depressed classes, he gave them the name of Harijans or the people of God. He started a newspaper entitled *The Harijan* and himself edited the same during his lifetime. He regarded untouchability as a curse to Hindu society and the same was abolished in the Indian Constitution framed after the independence of India. He believed that one of the methods of improving the lot of the poor Indians was to stop the habit of drinking in the country and that is why he advocated the policy of prohibition. He was not ignorant of the fact that the policy of prohibition was bound to result in the loss of crores of rupees to the revenues of the Government but he was prepared to make that sacrifice in the higher interests of the country as a whole. He advocated the rights of women and stood for giving them equal status with men. Among his associates were not only men but also women and some of them are today occupying very high places in the country.

Gandhiji believed that the present system of education was not suitable to a poor country like India. He was in favour of a more utilitarian system of education. It was under his guidance that the Wardha Scheme of education was adopted, The children were to get not only the knowledge of three R's but also learn some art which was to help them while studying.

Mahatma Gandhi stood for Swadeshi. As a matter of fact, this was one of the weapons in his armoury against the British. He believed that he would be able to bring the Englishmen to their knees by persuading the Indians to boycott the foreign goods. The stopping

of the Manchester and Lancashire mills was bound to hit the Englishmen economically. The adoption of Swadeshi was bound to save millions of rupees to the people of India. Mahatma Gandhi put the greatest emphasis on the use of Khadi as that was bound to add to the income of the poor people in this country.

Mahatmaji was not in favour of wholesale industrialisation of the country on the lines of the West. As a matter of fact, he advocated the establishment of cottage industries. He rightly believed that cottage industries could go a long way in raising the standard of the poor people in the countryside. The setting up of more mills was bound to result in capitalism and greater inequality of wealth. The lot of the poor was not going to improve thereby. Mahatmaji, a friend of the labourers, was always supporting their legitimate claims. However, he was opposed to the method of strikes as that was not in the interest of the country as a whole.

Estimate.

Mahatma Gandhi was known all over the world and no wonder tributes were paid to the greatness of the saint of Sabarmati. It is desirable to refer to some of them. According to Edward Thompson, "He is a superb judge of other men. His humanity is one of the profoundest things that history has seen. He has pity and love for every race, and most of all for the poor and oppressed." According to Romain Rolland, "Mahatma Gandhi has raised up three hundred millions of his fellowmen, shaken the British Empire and inaugurated in human politics the most powerful movement that the whole world has seen for nearly two thousand years." According to Louis Fishcher, "The symbol of India's unanimous wish for freedom is Mahatma Gandhi. He does not represent all of India, but he does reflect the will of all India for national liberation. A great-man is like good sculpture, made of one piece. A great man lives a single-tracked life-Lincoln was great, he lived for the Union. Lenin was great, he lived in order to raise Russia out of the feudal mire. Churchill is great because all of his acts have been directed towards the preservation of England as a first class power. And in the same way Gandhi is great because every single act that he performs is calculated to promote the one goal of his life—the liberation of India. He is not the man, he has no intention and never had, to rule India or administer India. His function ends when he frees India." Again, "Gandhi is the father of India's defiance and its symbol. Gandhi walks to sea to make salt in defiance of the British. It becomes a popular pilgrimage. The idealism of the youth spills into it. So does the leaderless nation's yearning for a leader. Gandhi has given his followers the elation of standing up to a foreigner who is the master in their house."

According to Lord Halifax, "I suppose there can be few men in all history who by their personal character and example have been able deeply to influence the thought of their generation." According to Sir Stafford Cripps, "There has been no greater spiritual leader in the world in our own times." According to Acharya Kriplani, "The Mahatma is more right when he is wrong than we are when we are right." Again, "Many of us are correct in our little correctness and

are small in the process. But the Mahatma was incorrect in many things and yet correct in the sum-total and big in the very inconsistencies. In the end, he seldom or never came out at the wrong place." According to Nagendranath Gupta, "Is it not strange that although Mahatma Gandhi is the leader of a movement of political freedom, he has never been compared to such great national leaders as Rienze, Mirabeau, Washington, Hampden, Mazzini, Sun-Yat-Sen or Zaghlul Pasha ? Yet he has been repeatedly and widely compared to great religious teachers like Zoroaster, Buddha and Christ, or a saint like St. Francis or Assisi. What political leader has observed fast for twenty-one days to do penance for his country and the warring factions of his countrymen ?"

According to Dr. Rajendra Prasad, former President of India, "Mahatma Gandhi's contribution to Indian politics has been immense· The Indian National Congress had been in existence for thirty years when he returned to India finally from South Africa in 1915. The Congress has aroused and organised national consciousness to a certain extent ; but the awakening was confined largely to the English educated middle-classes and had not penetrated the masses. He carried it to the masses and made it a mass movement. Mahatma Gandhi's movement operated both horizontally and vertically. He took up causes which were not entirely political but which touched very intimately the life of large masses of people." Again, "Mahatma Gandhi's greatest contribution, however, does not consist in making the masses of India politically self-conscious and organising them on a scale they had never before been organised. To my mind his greatest contribution to Indian politics and perhaps to suffering humanity in the world at large lies in the unique method which he has prescribed and employed for fighting wrongs. He has taught us how it is possible for us to successfully fight the mighty British Empire without arms ; he has given us and the world a moral substitute for war. He has lifted politics from the plane of sophistication and untruths where at its worst it generated into low intrigue and at its highest could not rise beyond diplomatic circumlocutions and secret diplomacy, to the pitch of a high idealism in which the end, however noble, can in no circumstances justify recourse to means which are net pure and immaculate. He has placed truth on its pedestal of glory even in politics, no matter how harmful its effect appears to be at the moment. His frankness and deliberate exposure of ugly or weak spots in ourselves to our so-called enemies has confounded both friends and opponents alike. But he considers our strength lies not in concealing our weakness but in knowing and combating it. The rigorous observance of non-violence, even where temporary advantages may apparently be gained by ignorance or mitigating it, has been recognised by experience to be not only the straightest course but also the wisest policy. It was the moral and spiritual fervour of his teaching which at once caught the imagination of the people, who saw and recognized that when all was dark around he showed us the way out of our misery and slavery. When we were feeling utterly helpless, he made us realise our own strength through Truth and Non-violence."

Suggested Readings.

ATHALYE, D.V.	: *The Life of Lokamanya Tilak.*
GANDHI, M.K.	: *My Experiments with Truth.*
GANDHI, M.K.	: *Gokhale, My Political Guru* (1955).
HOYLAND, J.S.	: *Gopal Krishna Gokhale* (1947).
KARMARKER, D.P.	: *Bal Gangadhar Tilak* (1956).
KARANDIKAR, S.L.	: *Tilak* (1957).
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KELKAR, N.C.	: *Life and Time of Lokmanya Tilak* (1928).
MASANI, R.P.	: *Dadabhai Nauroji* (1939).
PARVATE, T.V.	: *Bal Gangadhar Tilak* (1958).
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PRABHU, R.K.	: *The Mind of Mahatma Gandhi* (1945).
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CHAPTER XXIV

DECENTRALISATION OF FINANCE

It is well-known that up to the passing of the Charter Act of 1833, the princes enjoyed a lot of autonomy in matters of finance. It was the Act of 1833 that brought about financial centralisation. The Act provided that "no Government shall have power of granting of any new office or granting any new salary, gratuity or allowance without the previous sanction of the Governor-General." Indian finance remained centralized in the hands of the Government of India even after the passing of the Acts of 1853 and 1858. The Provinces were not given any right or authority on the Provincial revenues. They were merely the managing agents for the Government of India. The sources of taxation, the amount of taxation, the manner of collection and the authority for expenditure were all dictated from the headquarters. The provinces had absolutely no interest in the collection of the taxes. According to Sir William Hunter, "Towards the end of every year, each Local Government presented to the Governor-General-in-Council its estimates of expenditure during the coming 12 months. The Governor-General-in-Council, after comparing the aggregate estimates with the expected revenue from all India, granted to each local Government such sums as could be spared for its local services." According to Strachey, "The whole of the revenues from all the provinces of British India were treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General-in-Council alone. The Provincial Governments were allowed no discretion in sanctioning fresh charges. They could order without the approval of the Supreme Government, and without its knowledge, the adoption of measures vitally affecting the interests of millions of people. They could make changes in the system of administration that might involve serious consequences to the State ; they could for instance (and this is a case which actually occurred) alter the basis on which the assessment of the land revenue had been made, but they could carry out no improvement, great or small, for which actual expenditure of money was required If it became necessary to spend £20 on a road between two local markets, to re-build a stable that had tumbled down, or to entertain a menial servant on wages of 10 shillings a month, the matter had to be formally reported for the orders of the Government of India." A critic points out that "the distribution of public income degenerated into something like a scramble in which the most violent had the advantage, with very little attention to reason. As local economy brought no local advantage, the stimulus to waste reduced to a minimum, and if no local growth of the income led to local means of improvement, the interest in developing the public revenues was also brought to the lowest level."

It was admitted on all hands that the system was faulty and required to be changed. The efforts of General Dickens and Mr. Laing did not improve matters. In 1867 a scheme was prepared by Strachey to revise that system. On the basis of that scheme, Lord Mayo took the first step on the road to decentralisation.

Mayo's Resolution (1870). The Resolution of 1870 transferred to the control of the Provincial Governments the following heads of expenditure, with the revenue accruing from them, and in addition, a fixed annual Imperial Grant for the purpose: Jails, Registration, Police, Education, Medical Services, Printing, Roads, Miscellaneous Public Improvements and Civil Buildings. The deficit, if any, was to be met either by local taxation or by the reduction of expenditure. Any portion that may be unspent by the end of the year was not to lapse to the Central Government, but was to remain at the disposal of the Provincial Government concerned. Provincial Governments were given powers, subject to certain conditions, to create appointments provided the salary in each case did not exceed Rs. 250 a month and the amounts could be met out of the assigned Grants. The Government of Lord Mayo hoped that the Resolution "will produce great care and economy; that it will import an element of certainty into fiscal system which has hitherto been absent; and that it will lead to more harmony in action and feeling between the Supreme and Provincial Governments than has hitherto prevailed." The operation of this Resolution, in its full meaning and integrity, will afford opportunities for the development of self-Government, for strengthening municipal institutions, and for the association of natives and Europeans to a greater extent than heretofore in the administration of affairs.

The chief defect of the system of 1870 was that Imperial Grants were made on the basis of expenditure in various provinces in 1870-71. No attempt was made to remove the existing inequalities, and to give Grants to provinces according to their actual needs. According to Dr. Gian Chand, "The province which had the low level of expenditure owing either to access to the Central Government or to its under-developed or backward state due to recent annexation was penalised for its economy, unassertiveness or worse still backwardness." The charge of R. C. Dutt was that the reform of Lord Mayo brought about an increase in the general burden of taxation. Each province, to augment its own revenues imposed new taxes, mostly on land. The result was that the State-demand on the soil was increased. That was against the spirit of the Permanent Settlement in Bengal and as regards other provinces, it broke the rule adopted in 1855 and 1864 of limiting assessment to one-half the rental. (*India in the Victorian Age*, p. 257). However, it has been pointed out that the practice of separating Central from Local taxation was almost universal in the modern States. Moreover, the system of Lord Mayo resulted in a lot of economy. According to Roberts, Lord Mayo "found serious deficit and left substantial surplus. He found estimates habitually untrustworthy, he left thoroughly worthy of confidence. He found accounts in arrears and statistics incomplete, he left them punctual and full." (*British India*, p. 417).

Lytton's Change. In 1877, the Government of Lord Lytton took the second step on the road to decentralisation. Several heads of expenditure such as Land Revenue, Excise, Stamps, General Administration, Stationery, Law and Justice were transferred to the Provincial Governments. It was also provided that any surplus above the estimated income was to be shared to the extent of one-half with the Government of India which also undertook to meet deficits to the same extent, if and when occurred.

Ripon (1882). The next change was made in 1882 by Lord Cromer in the time of Lord Ripon. He introduced the system of Imperial, Divided and Provincial Heads of Revenue by which the revenues from all sources were divided into three categories. Income from Imperial Heads was to go to the Central Government. The provinces were to get all the income from the Departments under their control. Income from the Divided Heads was to be shared, mostly in equal portions, between the Imperial Government and the Provincial Governments. The deficit in the Provincial Budgets was to be made good by the Imperial Government by giving a fixed percentage of land revenue to the provinces. This settlement was made for five years and was renewed in 1887, 1892 and 1897.

According to Principal C. L. Anand, "The advantage of this system over the one which had hitherto generally prevailed, was that it gave the provincial Governments a direct interest not only in the provincialised revenue, but also in the most important items of Imperial revenue, raised within their own province." The defects of this system were described in these words by Lieutenant Governor of Bengal in 1896 : "I must say I deprecate the way in which these quinquennial revisions have too frequently been carried out. The provincial sheep is summarily thrown on its back, close-clipped and shorn of its wool, and turned out to shiver till its fleece grows again. The normal history of a provincial contract is that—two years of screwing and sewing and postponement of works, two years of resumed energy on a normal scale, and one year of dissipation of balances in the fear that if not spent they will be annexed by the Supreme Government, directly or indirectly at the time of revision. Now all this is wrong, if not demoralising. I say the Supreme Government might not shear too closely each quinquennium. It would be an immense gain to Local Administration if the Government of India could see its way to each occasion. It is only in this that the element of fiscal certainty which was put forward in 1870 as one of its main objects, can be secured."

Curzon. In 1904, Lord Curzon tried to remove the defects of the settlement of 1882. Although the old division of revenues into the Imperial, Divided and Provincial Heads was continued, the shares of the Central Government and the Provincial Governments were revised. Expenditure on purely Imperial heads was to be incurred entirely by the Government of India. Expenditure incurred on the Divided Heads was to be divided between the Government of India and the Provincial Governments. The settlement was declared to be quasi-permanent, and was to be revised only if found to be grossly unjust or in very extreme circumstances.

Decentralisation Commission. The Decentralisation Commission was set up in 1907 by the British Government to enquire into the financial and administrative relations of the Government of India and the Provincial Governments and of authorities subordinate to them, and to report "whether by measure of decentralisation or otherwise," the system of government could be "simplified and improved." The Commission was presided over by Hobhouse, Under-Secretary of State for India. The other five members were senior I.C.S. officers. R. C. Dutt was the only Indian member. The Commission presented its report in 1909. It made the following important recommendations in the financial field :

(*a*) The Governor-General should not interfere with the revenues assigned to the provinces.

(*b*) Distributions should be fixed according to needs of the provinces.

(*c*) The residue should be taken in the shape of a fixed fractional share from a few of the main heads of revenue.

Resolution of 1912. The Government of India accepted generally the recommendations of the Decentralisation Commission and passed a Resolution on provincial finance on 18th May 1912. The Government of India was anxious to make their financial relations with the Provincial Governments as stable as possible. However, before declaring the provincial settlement permanent, they considered it necessary to examine certain alleged inequalities and adjustments. Regarding the inequality of treatment given to the various provinces, the view of the Government of India was that "if it exists at all, it is historical and inevitable....whilst its very existence is doubtful. The higgling of a quarter of a century has established a rough equality which should not be replaced by theoretical calculations" According to Dr. Gian Chand : "There was no equity, rough or refined in the Settlement of 1911." But the Government of India proceeded on the assumption that there existed rough equality, between the various provinces. After making certain adjustments, the Government of India made the provincial settlement permanent. In certain provinces, fixed assignments had reached a high figure. The Government of India revised the provincial settlement and made some more heads wholly or partially provincial. The fixed assignments were proportionately reduced. The policy of giving lump sum grants to the provinces out of the surplus of the Government of India was revised in accordance with the recommendations of the Decentralisation Commission. The Commission had recommended the adoption of three principles with a view to removing the defects of "the policy of doles." Those principles were that regard should be made to the wishes of the Provincial Governments, the purpose for which grants are made may not be the same in all provinces and the grants should not involve greater Central interference. Moreover, new revised rules were issued by the Government of India in connection with the control over provincial budgets. In future, the control was to be confined to Divided Heads and to the totals of revenue expenditure. The Provincial Governments were to be

given authority to overdraw upon the balances with the Government of India and to budget for a deficit under certain conditions.

It is pointed out that in spite of the changes made by the Resolution of 1912, many defects remained in the system. Inequality in provincial expenditure were not removed. Independent powers of taxation and borrowing were not granted to the provinces. The old system of divided heads and the giving of "doles" was allowed to continue. But in spite of these defects, it was declared that the provincial settlements with the provinces were "fixed in perpetuity."

Meston Settlement. After the publication of the Report on Indian Constitutional Reforms in 1918, the new policy was inaugurated. The authors of the Report had recommended that the provinces should have their independent sources of revenue. This implied the abolition of the system of divided heads and the separation of Provincial finance from the Central finance. With the object of giving effect to the principle of bifurcation, the two lists were prepared in such a way that the Central and Provincial Governments were to have the least possibility of clash. If there was any doubt as to whether a particular matter was a provincial subject or a central subject, the final decision vested with the Governor-General-in-Council. "The principle of discrimination between Central and Provincial subjects is that where extra provincial interests predominate, the subject is treated as central ; while, on the other hand, all subjects in which the interests of a particular province predominate, are provincial." Forty-seven subjects were declared to be Central subjects and the most important of them were Defence, External Affairs, Railways, Shipping and Navigation, Posts and Telegraphs, Customs, Income-tax Services, etc. Fifty-two subjects were included in the Provincial List and the most important were Education, Local Self-Government, Medical Administration, Public Health and Sanitation, Irrigation, Land Revenue, Famine Relief, Agriculture, Forests, Industries, Police, Justice etc. As the distribution of subjects involved a deficit for the Central Government, a Committee known as the Provincial Relations Committee was set up with Lord Meston as its President to make recommendations as to how the deficit could be met. The Meston Committee recommended that the provinces should make contributions to the Government of India so that the budget might be balanced. It was estimated that the deficit was to be about Rs. 10 crores. The provinces were not required to pay equally, but according to their paying capacity. Different Provinces were to contribute different sums in different years. Another schedule gave the permanent and standard ratio at which each province was to be taxed in order to wipe out the Central deficit.

The following scale shows the contributions made by the provinces to the Central Government in 1921-22 :

Provinces			*Contribution in lacs of rupees*
Madras	...	...	348
Bombay	...	...	56
Bengal	...	...	63

Provinces			*Contribution in lacs of rupees*
Punjab	...	...	175
United Provinces	...	...	240
Assam	...	...	15
Burma	...	...	64
C. P. and Berar	...	...	22

There was a general complaint against the Meston Settlement and both the officials and non-officials condemned in equal severity the unwisdom of the new system. The Inquiry Committee also wrote against the system. The revision, if not its complete abolition, was unanimously and persistently demanded. However, Sir Blackett, the Finance member of the Government of India, announced the complete and final remission of provincial contributions in his budget of 1928-29.

Although under the Reforms of 1919, the position of the Provincial Governments with regard to finance was considerably improved, there were still many restrictions on them. They had to maintain the All-India Services as directed by the Secretary of State for India. They were helpless with regard to their appointments and salaries. Their powers of taxation were very much restricted. They were not given the power to borrow on the security of their revenues. The Provincial Governments resented those restrictions and desired an independent Provincial Department of Accounts and Auditing.

Reforms of 1935. The Government of India Act, 1935, introduced in the provinces what is known as provincial autonomy. The Act provided for a three-fold division of powers between the Federal Government and the Provinces. The Federal Government was given the power to pass laws on those matters which were given in the Federal List. The Provincial Legislatures were given the power to make laws on those matters which were included in the provincial List. The Concurrent List contained those matters about which laws could be passed both by the Federal Legislature and the Provinces. However, many restrictions were allowed to be continued on the provincial finance. It is true that they were given the power of borrowing within certain limits, but their power to levy taxes was circumscribed. According to the Niemeyer Report, the provinces were given financial assistance by the Central Government to meet their deficits. The Report also recommended the distribution among the provinces of half of the income-tax receipts.

New Constitution. It is to be noted that even under the new Constitution of India which came into force in 1950, the various States of India do not enjoy complete autonomy in the sphere of finance.

The distribution of financial resources between the Union and the States follows the Government of India Act, 1935. Several taxes and duties have been exclusively given to the Union. Some are to be levied by the Union but collected and appropriated by the States. Certain taxes are to be levied as well as collected by the Union, but are assigned to the States within which they are leviable. Certain taxes are to be levied and collected by the Union but distributed

between the Union and the States. Provision is also made for grants-in-aid by the Union to the States.

The taxes which belong exclusively to the Union are customs, corporation tax, taxes on capital value of assets of individuals and companies, surcharge on income-tax, fees in respect of matters in the Union List, excise duties on tobacco, and all other goods produced in India except alcoholic liquors for human use, opium and other drugs.

The taxes which belong exclusively to the States are land revenue, taxes on agricultural income, succession duties on agricultural land, taxes on land and buildings, taxes on mineral rights, opium and Indian hemp, taxes on consumption and sale of electricity, terminal tax, taxes on goods and passengers carried by road or inland waterways, taxes on vehicles, professions, trades and entertainments, sales tax, etc.

Stamp duties on Bills of exchange, Bills of lading, insurance policies, transfer of shares, etc., and excise duties on medicinal and toilet preparations containing alcohol are to be levied by the Union, but are to be collected and appropriated by the States within whose jurisdiction they are levied.

The following taxes are to be levied as well as collected by the Union, but assigned to the States within which they are leviable: duties on succession to property other than agricultural land, estate duty in respect of property other than agricultural land, terminal taxes on goods or passengers carried by railway, air or sea, taxes on railway fares and freights, taxes on transactions in stock exchange and taxes on sale of and advertisements in newspapers.

The following taxes are levied and collected by the Union, but their proceeds are divided between the Union and the States in a certain proportion: taxes on income other than those on agricultural income and duties of excise as are included in the Union List, except medicinal and toilet preparations. President of Indian Union has to distribute the proceeds of income-tax between the Union and the States up to that time when it is fixed by the Finance Commission. The distribution of the Union excise duties is to be made by Parliament.

Article 275 provides that grants-in-aid shall be made every year by the Union Government to those States which are considered to be in need of help by Parliament. These grants are particularly for the welfare of the Scheduled Tribes. Assam is to be given some special grant. In addition to this, temporary grants for a period of ten years shall be made to the States of West Bengal, Bihar, Assam and Orissa in lieu of the shares of the export duty on their jute products as they used to receive before the commencement of the Constitution.

According to Professor B. R. Misra, "The rationale of the distribution of resources follows closely the principles adopted in the distribution of functions." Professor Seligman mentions three such principles: *viz.*, the principles of efficiency, suitability and adequacy. Efficiency and suitability depend upon the nature of the tax and its

administration. "No matter how well-intentioned a scheme may be, or how completely it may harmonize with the abstract principles of justice, if the system does not work administratively, it is doomed to failure. The problems of efficiency and suitability really depend upon the choice between a wide or a narrow tax basis." Again, "To evolve a system of financial allocation in India, in conformity with the principles of efficiency, suitability and adequacy, is an extremely difficult task. Constitutional, natural and economic considerations place insurmountable difficulties in its way. A system which would obviously secure efficiency and suitability would break down on the principle of adequacy. Moreover, a system that might suggest itself as the most acceptable would not satisfy the conflicting claims and counter-claims of the various States. Hence financial allocation between the Government of India and the States has always been a matter of compromise. Such compromises are reflected in the system of 'doles' from the Centre to the States or 'contributions' from the States to the Centre or in the system of 'shared revenues' ; or grants-in-aid from the Federation to the States."

Suggested Readings.

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BHARGAVA, R.N. : *The Theory and Working of Union Finance in India.*

KALE : *Gokhale and Economic Reforms.*

MASALDAN, P.N. : *Evolution of Provincial Autonomy in India,* Chapter VI.

MISRA, B.R. : *Economic Aspects of Indian Constitution* (1958)

PINTO : *System of Financial Administration in India.*

CHAPTER XXV

GROWTH OF THE JUIDCIARY

The history of the growth of judicial system in India from the times of the English East India Company is a lengthy one and it is possible only to refer to a few landmarks in that process of evolution. The beginning was made in 1600 and the latest phase is embodied in the new Constitution of India.

The Charter of 1600 which established the English East India Company, also empowered that body to make and issue rules, laws, orders and ordinances for the good Government of the Company and on all factors, masters, mariners and other officers employed in voyage it was given the power to exercise martial law. However, capital punishment could be inflicted only on the basis of a verdict of a jury. Later on, the power of issuing Commissions was delegated by the Government of England to the Company itself. In 1623, the Company was granted the power to issue those Commissions to the President of factories and other Chief officers.

The Charter of 1661 gave to the Governor and Council the power "to judge all persons belonging to the said Governor and Company, or that should live under them, in all causes, whether civil or criminal, according to the laws of the Kingdom, and to execute judgment accordingly."

The Charter of 1669 granted Bombay to the Company and empowered it to exercise, through its officers, jupicial authority over the people according to English laws.

The Charters of 1683 and 1686 gave the English Company the power to establish courts of judicature for mercantile and maritime causes at such places as it might direct.

In 1687, the Mayor and Aldermen of the Madras Municipal Corporation were constituted as a court of record with power to try civil and criminal cases. An appeal could be taken to the Governor-in-Council against their decisions.

In 1726, Mayors' courts were established in the three Presidency towns. The right of appeal to the Governor and Council and in certain cases to the King-in-Council was allowed. The Governors-in-Council were also constituted courts for the trial of all offences except high treason. The establishment of Mayors' courts did not improve the machinery of justice. These courts were presided over by the servants of the Company, and they could not be expected to give impartial decisions in those cases in which the Company or the servants of the Company were involved. The judges did not know much about the law of India.

It is to be noted that side by side with the courts set up by the Englishmen, there were also native courts at work. The principle

underlying the native judicial system was the union of all authority, whether judicial, fiscal or military, in the same hands. The Nawab Deputy of the Delhi Emperor was at the head. He was both a Diwan and a Nazim. As a Nazim he exercised criminal jurisdiction and controlled the police. As a Diwan, he collected the revenue and superintended the administration of civil justice.

Under the Nawab, the Zamindars exercised both civil and criminal jurisdiction. Mohammedan law was administered in the criminal courts. In civil courts both Hindu and Mohammedan laws were applied.

When the English East India Company got the Diwani from the Mughal Emperor in 1765, Clive introduced a dual system. The Nawab of Bengal continued to administer justice in accordance with the Mohammedan Law. The Company took over the administration of civil justice and the collection of revenue. However, this work was done by the Indian judges. When the dual Government was abolished in 1772, Warren Hastings established a scheme under which the entire administration of justice and the collection of revenues were placed under the supervision of English officers. Each district was placed in charge of a Collector and the Diwan constituted a court of civil justice called the Diwani Adalat. An appeal could be taken against the order of this court to the Sadar Diwani Adalat at Calcutta. The latter consisted of the Governor and the members of his Council. It was also assisted by native officers. Likewise, a Faujdari Adalat or criminal court was established in every district. It consisted of a Kazi, a Mufti and two Maulvies with whom the Collector sat simply to watch the proceedings. From this court, an appeal lay to the Sadar Nizamat Adalat. This court also was under the supervision of the Governor and his Council.

Regulating Act. The Regulating Act of 1773 provided for the establishment of a Supreme Court in Bengal. It was to consist of a Chief Justice and three puisne judges who were to be barristers of not less than 5 years' standing. They were all to be appointed by His Majesty. The Supreme Court was given the power to try civil, criminal, ecclesiastical, admiralty and equity cases over the inhabitants of Calcutta and over the British subjects and their servants in the Provinces of Bengal, Bihar and Orissa. An appeal could be taken against its decision to the King-in-Council under certain circumstances.

It has already been pointed out that the Regulating Act was silent on many points. The result was confusion and conflict. The judges of the Supreme Court refused to recognise the authority of the courts of the Company. They were absolutely ignorant of the customs and beliefs of the people of India and consequently their judgments were not welcomed. The judges imported the English law into the country. They were so arbitrary in certain cases that the people were terrified by it. According to Lord Macaulay, the rule of the Supreme Court was a reign of terror, "of terror heightened by mystery; for even that which was endured was less horrible than that which was anticipated. No man knew what was next to be anticipated from this trained tribunal; it came from beyond the black

water, as the people of India with mysterious horror called the sea; it consisted of judges not one of whom was familiar with the usages of the millions over whom they claimed boundless authority. Its records were kept in unknown characters; its sentences were pronounced in unknown sounds; no Maratha invasion had ever spread through the defence such dismay as this inroad of English lawyers; all the injustice of former oppressors, Asiatic and European, appeared as a blessing compared with the justice of the Supreme Court."

Mr. Cowell has examined the working of the Supreme Court at length and it seems desirable to quote him in this connection. His remarks are as follows: "Although it is impossible to defend the acts of the judges, it must be remembered that their position was from the first antagonistic to the Council; and that they carried out in India a scheme which had been prepared in England without adequate information or competent skill for the purpose of checking excesses of administration and re-establishing order on principles totally strange to the inhabitants. The essential character and object of that scheme were to weaken the power of the Government by vesting it in the hands of a majority, and to plant in its neighbourhood a court, framed after the fashion of the existing courts in England, with jurisdiction over all its executive acts and a veto on all its legislation. This tribunal, vested with such extraordinary powers, and so ludicrously unsuited to the social and political condition of Bengal, was not merely to exercise a civil and criminal jurisdiction wholly strange and repugnant to the Indian people; it might sit one day on its common law side and give judgment to a suitor, and on the next day might sit on its equity side and restrain that suitor from proceeding to execution. It might on one side adjudge a man to be the absolute owner of the property, and on the other side consign him to perpetual imprisonment if he did not, in his character of trustee, forthwith give it up to those beneficially entitled. In short, the whole system of English law and equity, with its rules and customs and processes, handed down from feudal times, moulded during struggles between secular and ecclesiastical powers, between church and commonalty, between common law and civil jurisprudence, which time alone had rendered endurable to the people amongst whom it had grown up, a people widely different in habits, character, and form of civilisation from any to be found in the East, was introduced into India, not intentionally as a burden, but for its benefit and salvation.

"The result was that the Court exercised large powers independently of Government, often so as to obstruct it, and had a complete control over legislation Political power had thus vested in judges who had neither the responsibilities nor the machinery of Government. Such a system could not endure under any circumstances. Although the courts are independent of Government in England, both are absolutely subordinate to the legislature, in which, however, the power of Government predominates. To make the Legislature subordinate to the Court, instead of the Court subordinate to the Legislature, and at the same time to direct it to enforce a system of law

utterly inapplicable to India, independently of or in opposition to the Government, which was at the same time weakened by divisions purposely created, appear to be most destructive and pernicious policy that wit could devise. Although the judicial service should be independent of the executive, yet it must be subordinate to the Legislature, and legislation must be, if power and responsibility are to go together, the unfettered expression of sovereign authority, wherever that authority may reside, or from whatever sources it be derived, whether from an electoral body or an absolute prince."

Act of 1781. The Act of 1781 was passed with a view to removing some of the defects in the Supreme Court. It was laid down that the Supreme Court should not have any jurisdiction in any matter concerning the revenue or concerning any acts ordered or done in the collection of revenue.

It was declared that no person was to be subject to the jurisdiction of the Supreme Court by virtue of his possessing any interest in, or authority over, rents or lands within Bengal, Bihar and Orissa, or by reason of his becoming security for the payment of such rents.

The employment of a person by the Company or the Governor-General in-Council, or by any native of Great Britain did not imply that that person was to be subject to the jurisdiction of the Supreme Court in matters of inheritance or succession. Unless specifically agreed between the parties, no civil suit was to be brought before the Supreme Court.

No action could be brought against any judicial officer for any wrong or injury done to any person in the exercise of his judicial authority.

It was declared that the Governor-General and his Council were not to be subject, jointly or severally, to the jurisdiction of the Supreme Court in matters of inheritance or succession. Unless specifically agreed between the parties, no civil suit was to be brought before the Supreme Court.

No action could be brought against any judicial officer for any wrong or injury done to any person in the exercise of his judicial authority.

It was declared that the Governor-General and his Council were not to be subject, jointly or severally, to the jurisdiction of the Supreme Court, "for or by reason of any act or order or any other matter or thing whatsoever, counselled, ordered or done by them in their public capacity only and acting as Governor-General-in-Council."

The order of the Governor-General-in-Council in writing was to be considered a sufficient justification for all the acts done under their orders.

The English law was not to be applicable to the natives of India. The succession and inheritance to lands, rents and goods, all matters of contracts, and dealings between party and party, were to be determined, in the case of Muslims by the laws and usages of Muslims,

and in the case of Hindus by the laws and usages of the Hindus. In other cases, the laws and usages of the defendant were to be applied.

The Supreme Court was authorised to make processes, rules and orders for the administration of justice. Those rules and orders could be rejected or amended by the British Government.

The Act of 1781 recognised the existence of the Civil and Criminal Provincial Courts set up under the authority of the Company.

The Governor-General and Council, the Advocate-General and all persons acting under their orders were indemnified, discharged and saved from any action, suit or prosecution on account of their disobedience and resistance to the orders of the Supreme Court in 1779.

It has been rightly pointed out that although the powers of the Supreme Court were lessened by the Act of 1781, it won its way to greater authority and respect than any other court in India.

Amils. It may be mentioned that in 1774, the Collectors were withdrawn and their place was taken by Amils for the administration of civil justice. The superintendence of revenues was first of all given to the provincial Courts and afterwards to a Committee of Revenues.

In 1788, sixteen courts of Diwani Adalat were created, each under the charge of a covenanted civilian called the Superintendent.

Reforms of Cornwallis (1784-93). A reference may be made to the judicial reforms of Lord Cornwallis. When he came from England, he brought with him instructions "to establish permanent rules for the settlement of the collection of the revenue, and for the administration of justice founded on the ancient laws and local usages of the country."

He united the functions of civil and criminal justice with those of the collection and management of revenue. He put the Diwani Adalats under the superintendence of the Collectors. He decided to resume the superintendence of criminal justice in all the provinces. He removed the Nizamat Adalat from Murshidabad to Calcutta. Although judicial and revenue functions were given to the collectors, the courts were kept distinct.

In 1793, Lord Cornwallis made further changes in the judicial system. He stated thus in 1793 : "There is no class of men which government should watch with greater jealousy, and on whom the regulations should have a stricter control, than the officers who are entrusted with the collection of the public revenues. It is necessary to arm them with powers to enforce their demands ; but to prevent the abuse of this power, there should be courts of justice ready to punish oppressive exaction." The result was that Lord Cornwallis decided to separate the judicial and revenue functions. According to him, "All questions between government and the landlords respecting the assessment and collection of the public revenues and disputed

claims between the latter and their ryots, or other persons concerned in the collection of their rents have hitherto been cognisable in the courts of Mal Adalat or Revenue Courts. The Collectors of the revenue preside in these courts as judges, and an appeal lies from their decision to the Board of Revenue and from the decrees of that Board to the Governor-General-in-Council in the department of revenue.

"The proprietors can never consider the privileges which have been conferred upon them as secure whilst the revenue officers are vested with these judicial powers. Exclusive of the objections arising to these Courts from their irregular, summary and often *exparte* proceedings, and from the Collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious that, if the regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors, and that individuals who have been wronged by them in one capacity can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants.

"Other security, therefore, must be given to landed property and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected. Government must divest itself of the power of infringing in its executive capacity the rights and privileges which, as exercising the legislative authority, it has conferred on the landholders. The revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the regulations, must be subjected to cognizance of Courts of Judicature, superintended by Judges who, from their official situations and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The Collectors of the Revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the Courts of Judicature, and must collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorised to demand on behalf of the public and for every deviation from the regulations prescribed for the collection of it."

Consequently, in 1793, the Collector was deprived of his judicial powers. The Mal Adalats were also abolished and their functions were given to the Diwani Adalats which were presided over by the covenanted servants appointed by Governor-General-in-Council.

Four Provincial Courts of Civil Appeal were established, each consisting of three Judges who were also required to preside over the Court of Circuit in their Division. Appeals from their decisions were to be taken to the Sadr Diwani Adalat and the Sadr Nizamat Adalat. No fees were to be levied from the litigants. Justice was made available to all.

It is to be noted that the Cornwallis system enjoyed a great prestige. It was introduced both in Bombay and Madras. A few

changes were made in course of time. In 1795, fees were reimposed upon the institution of suits. Justice was made expensive to discourage litigation. In 1797, the Provincial Courts of Appeal were made the final authority in the cases whose value was not more than Rs. 5,000. In 1801, three Judges were appointed to preside over the Sadr Courts. The number was increased to four in 1807.

Work of William Bentinck (1828-1835). A reference may be made to the work done by Lord William Bentinck in the field of judicial administration. He abolished the Provincial Courts of Appeal. These Courts had become "the resting places for those members of the service who were deemed unfit for higher responsibilities." He divided the Presidency of Bengal into 20 divisions over each of which was appointed a "Commissioner of Revenue and Circuit." In 1831, the Session work of the Commissioner was transferred to the Civil Judges. It was in this way that the office of the District and Sessions Judge came into existence. The magisterial functions of Zillah Judge were transferred to the Collector. William Bentinck also reversed the policy of Lord Cornwallis in the matter of making appointments. The latter had initiated the policy of reserving all the high posts in the judicial hierarchy for the Europeans. William Bentinck extended the powers of the Munsifs and the Sadr Amins who were native judges. Their salaries were also increased.

Recorders' Courts. In 1797, Recorders' Courts were established. The Courts consisted of the Mayor, three Aldermen and a Recorder, with a recorder appointed by the Crown. These Courts were given civil, criminal, ecclesiastical and admiralty jurisdictions. They were given the power to try all those cases which were formerly tried by the Mayor's Court. Their jurisdiction was extended over British subjects residing within the British territories subject to the Governments of Madras and Bombay, or within the territories of native princes in alliance with these Governments. However, these Courts did not last long. Their powers were given over to the Supreme Court.

Courts of Requests. The Courts of Requests were established by the Charter of 1753. The Courts were given the power to decide these cases in which the debt, duty or matter in dispute did not exceed Rs. 20. In 1917, their powers were increased and they could try cases up to the value of Rs. 80. The Courts of Requests were superseded in the Presidency towns in 1850 by the Small Cause Courts. These Courts are continuing at present.

Justice of Peace. The Charter of 1726 established Justices of Peace at Madras, Bombay and Calcutta. They were given the power to hold quarter session. The Regulating Act of 1773 made the Governor-General-in-Council and Judges of the Supreme Court Justices of the Peace. The Governor-General and the Council were directed to hold quarter sessions within the settlements of Fort William as a Court of Record. The Supreme Court established under the Act of 1773 was given the power and supervision and control over its work. When the Supreme Courts were established at

Madras and Bombay, their judges were also made the Justices of Peace for their respective Presidencies.

In 1793, an Act of Parliament authorised the Governor-General-in-Council to appoint Justices of the Peace from the covenanted servants of the Company and other British inhabitants. In 1807, the Governors and the Councils of Madras and Bombay were empowered to act as Justices of Peace for those towns only. In 1832, Governments of the three Presidencies were authorised to appoint any person who was not a foreigner, to act as a Justice of Peace. Various regulations of the Presidencies fixed the powers of the Justice of Peace. Those were supplemented by the Acts of Parliament. The following classes of people were subject to their jurisdiction :

1. All persons who committed offences within the ordinary jurisdiction of Supreme Courts.
2. All British subjects resident in any part of the Presidency.
3. All persons who had committed crimes or offences at sea.

High Courts. In 1861, the Indian High Courts Act was passed. It established High Courts at Calcutta, Madras and Bombay in which the Supreme Courts and the Sadr Diwani Adalat and the Sadr Nizamat Adalat were merged. Under the same Act, a High Court was established at Allahabad in 1886. The Indian High Courts Act of 1865 empowered the Governor-General-in-Council to alter the local limits of the jurisdiction of the High Courts. The Indian High Courts Act of 1911 raised the maximum number of Judges from 15 to 20. It gave a general power to the Crown to establish additional High Courts at other places. Temporary Judges could be appointed by the Governor-General-in-Council for two years. A High Court was established at Patna in 1916 and at Lahore in 1919. In 1936, a High Court was established at Nagpur in place of the Judicial Commissioner. A Chief Court was set up in Oudh. The Courts of Judicial Commissioners were set up in North-West Frontier Province and Sind.

Privy Council. The Judicial Committee of the Privy Council was set up by an Act of Parliament in 1833. It was the highest Court of Appeal for India up to January 1950, although some of its powers were taken away in 1948. It consisted of practically the same judges who heard the appeals in the House of Lords, but the procedure in the two courts was different. The Judicial Committee did not give judgments. It merely advised the Crown to give a judgment in a particular way. The House of Lords gave regular judgments. The House of Lords was bound by previous decisions and a bad decision could be superseded only by legislation. The Privy Council was not bound by its previous decisions.

The Judicial Committee sat in more than one division. Three members formed a quorum. The Privy Council did not publish the dissenting opinions of its members in its judgments. An appeal could be taken in civil cases if the value of the subject-matter was more than Rs. 10,000. Where the final decree appealed from affirmed the decision of the court immediately below it, the appeal

must involve some substantial question of law. In other cases an appeal could be taken to Privy Council only if the High Court certified that the case was fit for appeal. There was also the power to give special leave to appeal. In criminal cases, a right of appeal was given from any judgment, order or sentence of a High Court made in exercise of its original criminal jurisdiction, or in any criminal case where a point of law was involved. The Privy Council did not exercise its right to grant special leave to appeal in criminal cases "unless it is shown that by a disregard of the form of legal process or by some violation of the principles of natural justice or otherwise, substantial or grave injustice has been done". Under the Government of India Act of 1935, appeals could be taken from the decisions of the Federal Court of India.

Federal Court of India. The Government of India Act of 1935 provided for the establishment of a Federal Court of India. Such a Court was essential because the Act of 1935 provided for a Federal system in which there was a division of powers. There was every possibility of a conflict of jurisdiction between the Central Government and the Provinces. Such a Court was necessary to decide those cases.

The Act provided that the Federal Court shall consist of the Chief Justice of India and not more than six Judges appointed by the King. The Governor-General was empowered to appoint an Acting Chief Justice and Acting Judges to fill up temporary vacancies. It was provided that the Judges were to hold office up to the age of 65 and were not to be removed from office except on the ground of misbehaviour, infirmity of mind or body. Only that person could be appointed a Judge of the Federal Court who had been a Judge of a High Court for at least 5 years, or was a Barrister of England or an Advocate of Scotland of at least 10 years' standing or a Pleader of a High Court of 10 years' standing. In the case of the Chief Justice, 15 years' standing was necessary. The salaries and allowances of the Chief Justice and the Judges of the Federal Court were fixed by the King and could not be changed to their disadvantage during their tenure of office. Their salaries and allowances were a charge on the revenues of India.

The seat of the Federal Court was at Delhi. Another place could be fixed by the Chief Justice with the approval of the Governor-General, but that was not done.

The Federal Court possessed three kinds of jurisdictions : original, appellate and advisory jurisdictions. It had original jurisdiction in any dispute between the Federation, a province or provinces, or a Federated State or States in so far as any question about their legal rights was involved. Thus, a case could be taken directly to the Federal Court if there was a dispute between a Province, a State and Federation. When the Federal Court exercised its original jurisdiction, it pronounced only a declaratory judgment.

In its appellate jurisdiction, the Federal Court heard appeals from the judgments of the High Courts of the Province and the Federated States. If the High Court of a Province certified that

the judgment given by it involved the interpretation of some Section of the Government of India Act, 1935, or any Order-in-Council issued under it, an appeal could be taken to the Federal Court. If the High Court of a Province did not grant a certificate, an appeal could be taken against its decision. The same was the case with the appeals from the High Courts of the Federating State.

It was originally suggested that in addition to the Federal Court, provision should be made for the establishment of a Supreme Court to hear appeals from the High Courts of the various Provinces in place of the Privy Council. But it was pointed out that that would create a very difficult situation. The Federal Court and the Supreme Court might quarrel over their respective jurisdictions and unhappy scenes might be created. Such a thing was hardly desirable.

Consequently, a provision was made in the Act empowering the Federal Court to hear appeals from the High Courts of the Provinces even in those cases which did not involve any question regarding the interpretation of the Constitution. It was in pursuance of this provision that the Federal Court (Enlargement of Jurisdiction) Act, 1947, was passed. This Act received the assent of the Governor-General on 5th January 1948. This Act provided for the enlargement of the appellate jurisdiction of the Federal Court in civil cases to the fullest extent permissible under Section 206 of the Government of India Act, 1935, and for the abolition *pro tanto* of all direct appeals in such cases from the High Courts to the Privy Council either with or without special leave. However, it did not interfere with appeals pending before the Privy Council or in respect of which special leave had already been granted by the Privy Council.

The Federal Court was not the highest Court of appeal for the interpretation of the Government of India Act, 1935. Provision was made for the taking of appeal from the Federal Court to the Privy Council. Thus, when the Federal Court gave its decision in its original jurisdiction, an appeal could be taken to the Privy Council as a matter of right. If, however, the Federal Court gave its decision in its appellate jurisdiction, an appeal could be taken to the Privy Council, not as a matter of right, but only with the permission of the Privy Council or the Federal Court. The Privy Council had also its own rules of procedure for the admission of appeals. Unless and until a case involved a substantial question of law, the Privy Council did not grant leave to appeal.

The Federal Court also exercised advisory jurisdiction. The Governor-General was authorised to refer a question to the Federal Court for its consideration and for opinion on the same. After such hearing as it thought fit, the Federal Court reported to the Governor-General. On many occasions, the Governor-General resorted to this power. When there was a difference of opinion between the Congress and the Muslim League on the question of compulsory grouping of the provinces, it was proposed to refer the matter to the Federal Court, but that was not done.

The law declared by the Federal Court and the Privy Council was binding on all the Courts of India.

Supreme Court. Under the new Constitution of India which came into force on 26th January 1950, both the Privy Council and the Federal Court were abolished and their place was taken by the Supreme Court of India. According to the Constitution, the Supreme Court is to consist of a Chief Justice of India and not more than 7 other Judges.[1] However, their number can be increased by Parliament. Provisions have been made for making the Judges of the Supreme Court independent in the performance of their duties. It has been given enormous powers under three heads: original, appellate and advisory. As regards original jurisdiction the Supreme Court can try any dispute between the Government of India and one or more States, or between the Government of India and any State or States on one side and one or more other States on the other, or between the two or more States if and in so far as the dispute involves any question on which the existence or extent of a legal right depends. The Supreme Court has the power to issue directions or orders in the nature of writs of *Habeas Corpus*, *Mandamus*, *Prohibition*, *Quo Warranto* and *Certiorari* or any of them for the enforcement of fundamental rights.

The appellate powers of the Supreme Court can be discussed under three heads. As regards the constitutional cases, an appeal lies to the Supreme Court from any judgment, decree or final order of a High Court in the territory of India, whether in a civil, criminal or other proceeding, if the High Court certifies that the case involves a substantial question of law as to the interpretation of the Constitution. If the High Court refuses to grant such a certificate, the Supreme Court may grant special leave to appeal if it is satisfied that the case involves a substantial question of law with regard to the interpretation of the Constitution. In other cases, an appeal lies to the Supreme Court from any judgment, decree or final order in a civil proceeding of a High Court if the High Court certifies that the amount of value of the subject-matter of the dispute is not less than Rs. 20,000. Where the judgment, decree or final order appealed from affirms the decision of the court immediately below, the High Court must also certify that the appeal involves some substantial question of law. It is only then that an appeal is allowed. In criminal cases, an appeal lies to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court if the High Court has on appeal reversed an order of acquittal of an accused person and sentenced him to death or has withdrawn for trial before itself any case from any court subordinate to its authority and in such trial convicted the accused person and sentenced him to death, or certifies that the case is a fit one for an appeal to the Supreme Court. Parliament may by law confer on the Supreme Court any further powers to entertain and hear appeals from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India subject to such conditions and limitations as may be specified in such law.

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1. In 1960, the total number was fixed at 14.

Like the Federal Court of India, the Supreme Court has been given advisory jurisdiction. The Constitution provides that if at any time it appears to the President of India that a question of law or of fact has arisen, or is likely to arise which is of such a nature and of such importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that court for consideration and the court may after such hearing as it thinks fit, report to the President its opinion. It is not clear whether the opinion of the Supreme Court is binding upon the President or not.

The Supreme Court may, in its discretion grant special leave to appeal from any judgment, decree, sentence or order in any cause or matter passed or made by any court or tribunal in the territory of India.

Subject to the provisions of any law made by Parliament or any rules made under Article 145 by the Supreme Court, the Supreme Court shall have the power to review any judgment pronounced or made by it.

Provision has also been made for the increase of the powers of the Supreme Court. According to Sir Alladi Krishnaswami Ayyar, "The Supreme Court in the Indian Union has more powers than any Supreme Court in any part of the world."

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CHAPTER XXVI

PUBLIC SERVICES IN INDIA

The history of Public Services in India dates back from the early days of the English East India Company. Even when political power fell into the hands of the Company, the actual administration was left in the hands of the Indian subordinates. The few servants employed by the Company had no training in their work. They were paid very low salaries. They made up the deficiency by indulging in private trade and accepting presents. Although their salaries were small, they made fortunes within a short time. It is well-known that Lord Clive forced the servants of the Company to enter into new covenants with the Company by which they bound themselves not to engage in private trade or accept presents. It was for this reason that the services came to be known as the Covenanted Civil Services. In order to compensate the servants of the Company, Lord Clive formulated a scheme, but it was rejected by the Directors.

Reforms of Cornwallis

Credit goes to Lord Cornwallis for making radical changes in the Civil Service of the Company. He reserved all the superior jobs for Englishmen and Europeans. He believed that only the Englishmen and Europeans by their birth and training were fit to rule the country. However, subordinate jobs were given to the Indians. He prohibited private trade for the servants of the Company and made it clear that those who violated this rule would be severely dealt with. On the positive side, he raised their salaries so that they could maintain a decent standard of living in India and also take something back home. For example, the salary of a Collector was fixed at Rs. 1,500 a month. His commission on revenue collection also brought him some money. The same was the case with other servants. The object of these reforms was to make the servants both efficient and honest. The Charter Act of 1793 put the reforms of Cornwallis on a permanant footing. It was declared that "all vacancies happening in any of the offices, places or employments in the civil lines of the Company's service in India shall be from time to time filled up and supplied from amongst the Civil Servants of the Company belonging to the President wherein such vacancies shall respectively happen." No office carrying a salary of more than £500 a year was to be given to any servant who had not lived in India for at least three years as a covenanted servant. It was also provided that the seniority rule was to be strictly followed in matters of promotion.

Lord Wellesley

Students of history know how Lord Wellesley established the famous college at Calcutta for the training of the young Civil Ser-

vants. Those Englishmen who came to India as Civil Servants had to study for three years in the training college and study Indian languages, law and history. This college had to be closed down because the Directors refused to approve of it. However, the Directors themselves established in 1806 a college at Haileybury. The Charter Act of 1813 provided that no person was to be appointed a writer in India unless he had resided four terms at Haileybury and produced a certificate from the Principal of the college that he had followed all the rules and regulations of the college. Admission to this college was by means of nomination. The nomination was made by the Directors who shared this patronage with the Board of Control. The College at Haileybury continued to function till 1858. The Charter Act of 1853 ended the patronage of the Directors of the Company and threw open the Covenanted Civil Service to a competition for all the natural born subjects of Her Majesty. According to Sir John Strachey, "The main object of the competition was declared to be this—to secure for the Indian Civil Service youngmen who had received the best, the most liberal, the most finished education that this country affords. The scheme for examination was accordingly made to embrace most of the subjects of honours school of the universities of Great Britain and Ireland."

It is true that Lord Cornwallis was prompted by honest motives in the matter of his reforms. But the natural result of his reforms was that the Indians were excluded completely from the higher jobs in the service of the company. This was the target of a lot of criticism. According to Sir Thomas Munro, "There is perhaps no example of any conquest in which the natives have been so completely excluded from all share of the Government of their country as in British India." According to Sir John Malcolm, "I regret as deeply as you or any man can, that there is no opening for natives. The system of depression becomes more alarming as our power extends. We must, or we cannot last, contrive to associate the natives in the task of ruling and in the benefits and gratifications that accrue from it." The Charter Act of 1833 tried to remove this defect and its 87th clause provided thus : "No native of the said territories, nor any natural born subject of His Majesty resident therein, shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place or employment under the said Company." However, this provision remained a dead letter. But with a similar object of removing the grievances of the Indians, Queen Victoria made the following Proclamation in 1858 : "It is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to office in our service, the duties of which they may be qualified by their education, ability and integrity duly to discharge." A Committee was appointed in 1860 by the Secretary of State for India to give effect to the pledge given in 1858. The Committee recommended that simultaneous examinations should be held both in England and in India to remove the injustice from which the Indians suffered. However, no action was taken on its recommendations.

Indian Civil Service Act

In 1861 was passed the Indian Civil Service Act. The object of this Act was to legalise certain appointments made in the past in contravention of the terms of the Charter Act of 1793 and to reserve almost all higher civil appointments for the members of the Covenanted Civil Service. In exceptional cases, the Government of India was given the power to appoint even those persons who were not members of the Covenanted Civil Service. However, the special reasons for those appointments were to be intimated to the Secretary of State for his sanction within 12 months.

For the recruitment of members to the Covenanted Civil Service open competitive examinations were held in London every year under the supervision of the Civil Service Commissioners. In 1860, the maximum age for candidates appearing at these examinations was lowered to 22. In 1866, it was lowered to 21. In 1878, it was further reduced to 19. The result was that it became practically impossible for any Indian to compete for these examinations. No wonder, upto 1870 only one native of India had successfully competed for the Covenanted Civil Service. The difficulty was not only of age, but other factors such as social, religious and financial difficulties made it difficult for the Indians to go to England to compete for the Service.

George Otto Trevelyan, a member of the Indian Civil Service, defended the policy of the Government in these words : "By choosing your civilians at an earlier age you will get hold of a class who now slip through your hands. A man of first-rate powers who has once tasted the sweets of University success will never be persuaded to give up his English hopes. At two and twenty, in the full view of a Trinity or Merton fellowship who would consent to exchange the Common Room in being and Downing Street in prospect for the bungalow and the cutcherry ? Warren Hastings and Sir Charles Metcalfe were among the best scholars of their time at Eton and Westminster. If they had once worn the gown they would have been lost for ever to India. Put the limit of age some three years earlier and you will have a fair chance of getting a Metcalfe every other year and a Hastings once in a decade."

Lord Lawrence established nine scholarships of the value of £200 a year each, tenable for three years, to enable intelligent but poor Indians to go to England and study "for the various learned professions or for the civil or other services of India." This move of the Governor-General was disapproved by the Secretary of State for India, the Duke of Argyll.

The Act of 1870 provided for the appointment of the natives of India, who had not passed the Civil Service examination, to posts reserved to the Covenanted Service "subject to such rules as may be prescribed from time to time by the Governor-General-in-Council and sanctioned by the Secretary-of-State-in-Council, with the concurrence of a majority of members present." However, it took nine years for the Government of India to make rules under this Act.

In 1878, Lord Lytton decided to close the Covenanted Civil Services to Indians and create "a close native service" to which were to be transferred some of the posts reserved for the Covenanted Service. However, the Secretary of State for India rejected the proposal.

When the rules were framed under the Act of 1870, they empowered the Governor-General-in-Council to appoint natives of India "of good family and social standing" to the posts reserved for the Covenanted Service to the extent of one-sixth of the appointments made every year by the Secretary of State in England. Although the Statutory Civil Service was created, it did not succeed in actual practice. The Indians complained that greater importance was given to birth and social position than to intellectual capacity and moral fitness of the candidates.

When the Indian National Congress was established in 1885, it passed a resolution in the same year demanding the holding of simultaneous examinations both in India and England for recruitment to the Covenanted Civil Service.

Aitchison Commission

In order to study the position thoroughly, Lord Dufferin appointed a Commission in 1886 under the presidency of Sir Charles Aitchison "to devise a scheme which may be hoped to possess the necessary elements of finality and to do full justice to the claim of natives of India to higher and more extensive employment in the Public Service." The Aitchison Commission reported against the holding of simultaneous examinations in India and England. It was pointed out that the system of competition would benefit only a few classes and not the others. As the number of seats to be filled would be small and the number of candidates very large, the rejected candidates might become centre of discontentment in the country. The Commission recommended the abolition of the terms Covenanted and Uncovenanted Services. It recommended the division of all the Services into three classes : Imperial Services, Provincial Service and Subordinate Service. All the important jobs were to be held by the Imperial and Previncial Civil Services. The Commission recommended the abolition of the Statutory Civil Service.

Resolution of 1893

In 1893, the House of Commons passed a resolution to the effect that "all competitive examinations heretofore held in England alone for appointment to the Civil Services of India, shall henceforth be held simultaneously both in India and England, such examinations in both the countries being identical in their nature, and all who compete being finally classified in one list according to merit." As the Government of India regarded the resolution to be dangerous, no action was taken on this resolution.

Islington Commission

The position of the Civil Services in India was examined by the Royal Commission on Public Services in 1912. The Chairman of the

Commission was Lord Islington. The Commission submitted its report in 1915. but it was published not till June 1917. But before the report could be considered on merits, the situation in the country had changed completely. In August 1917, Montagu, Secretary of State for India, declared in the House of Commons that the policy of His Majesty's Government towards India was that of increasing association of Indians in every branch of administration. This announcement implied that the Indians were to be given a substantial share in the administration of the country.

Recommendations of 1918 Report

The position of the Public Services was examined by the authors of the Report of 1918. According to them, it was a great weakness of public life in India that there were very few people who had opportunity for practical experience of the problems of administration. Their view was that more Indian should be employed in the administrative machinery of the country. They decided to remove those distinctions which were based on race. They also recommended the holding of simultaneous examinations both in India and England. In the case of the Indian Civil Service, 33 per cent of the superior posts were to be recruited in India at the beginning and the percentage was to be increased by $1\frac{1}{2}$ per cent annually. Similar percentages were to be fixed in other services. With a view to attracting the very best type of European and English officers to India, recommendations were made for better rates of pay, pension, leave and overseas allowances. Every public servant, wherever employed, was to be properly supported and protected in the exercise of his legitimate duties. The Government of India Act of 1919 gave effect to these recommendations.

When the British Government promised the establishment of responsible Government in India, the members of the Public Services were upset. Formerly, they used to rule the country. In the new set-up, they felt that they would be ruled and controlled by the Indian Ministers. They might be even insulted and humiliated by them. Consequently, they demanded safeguards. To meet their apprehensions, it was recommended that the members of the All-India Services, with a few exceptions might be allowed to retire before they completed the service ordinarily required for earning pension, and were to be given a pension proportionate to their actual service. In spite of this, the relations between the services and the people of India went from bad to worse. They were persistently criticised in the legislatures. During the Non-Cooperation Movement, the civil servants and their families were disrespected and even insulted. On account of the high prices, their economic position also caused them a lot of anxiety. Consequently, a scheme was adopted by which all-India officers selected for appointment before January 1, 1920, and not permanently employed under the Government of India, were allowed to retire before they had completed the normal full services on a pension proportionate to their length of service. Under this scheme, about 345 all-India service officers retired by 1924. Most of them had put in service varying from 10 to 25 years.

The Government of India was faced with the problem that an adequate number of Englishmen and Europeans was not coming forward for the all-India services. The Indians were critical on the ground that the rate of the Indianisation of services was not adequate. They also demanded that the Secretary of State should have nothing to do with the recruitment and control of the services. The result was that a Royal Commission on Superior Civil Services in India was appointed in 1923. It is known as the Lee Commission because Lord Lee was its Chairman.

Lee Commission (1923)

The Lee Commission made many recommendations. As regards the Indian Civil Service, the Indian Police Service, the Indian Forest Service and the Irrigation Branch of the Service of Engineers on which public security mainly depended, the Secretary of State was to be allowed to continue to recruit. His control with safeguards was to be maintained. As regards the Indian Educational Service, the Indian Veterinary Service, and the Indian Medical Service (Civil) which operated mostly in the Transferred field, it was recommended that the control of the ministers was to be made more complete by closing the recruitment on an all-India basis. The officers already in these services were to be allowed to retain their all-India status and privileges. However, new recruits to these services were to be appointed in future by the Provincial Government and were to form a part of the Provincial services. But this change was not to apply to the Indian Medical Service. Each province was to be required to employ in its medical department a certain number of officers lent from the Medical Department of the Army in India.

The Lee Commission recommended an increased rate of Indianisation. For the Indian Civil Service, 10 per cent of the superior posts were to be filled by appointment of provincial service officers to "listed" posts. Direct recruitment in future was to be on the basis of equal numbers between Europeans and Indians. It was estimated that within 15 years half the recruits to the Indian Civil Service would be Indians and half Europeans. As regards the Indian Police Service, recruitment was to be in the proportion of 5 Europeans to 3 Indians, allowing for promotion from provincial services to fill 20% of vacancies. It was estimated that by 1949 the personnel of the Police Service would de half Europeans and half Indians. As regards the Indians Forest Service, the recruitment was to be in the ratio of 75% Indian and 25% Europeans. As regards the Irrigation Branch of the Indian Service of Engineers, there was to be direct recruitment of Indians and Europeans in equal numbers.

As regards the Central Services, the Lee Commission recommended the following proportions for recruitment :—

(1) In the Political Department 25% of the total officers to be recruited annually were to be Indians.

(2) In the Imperial Customs, net less than half the new entrants were to be statutory natives of India.

(3) In the Superior Telegraph and Wireless Branch 25% of the recruitment was to be done in England and 75% in India.

(4) In the case of State Railways, recruitment in India was to be increased as soon as possible up to 75%. The remaining 25% new entrants were to be recruited in England.

It is to be observed that in the case of Imperial Customs, Superior Telegraph and Wireless Branch and State Railways, recruitment was to be by open competition. In other cases, full discretion was given to the Government of India.

As regards the Provincial Services, the work of recruitment to the services employed in the Transferred field was handed over to the Provincial Governments. They were to be allowed to make their recruitment in their own way.

The Lee Commission also recommended an increase in emoluments and privileges of the members of the Civil Services. European members of all services were to be allowed to remit their overseas pay at the rate of 2s. for a rupee or to draw the same in London in sterling at the rate. The actual exchange rate at that time was 1s. 5d. Moreover, European members of the Superior Civil Services and their wives were to receive four return passages and one single passage for each child during the service. If any member of a Civil Service died while serving in India, his family was to be repatriated at the expense of the Government of India. The pensions of the members of the Indian Civil Service who attained ranks were considerably increased. Medical attendance by European officers was to be made available to them. Family pension funds were to be introduced. All future British recruits to the all-India services were to be given the option to retire on proportionate pension in case they did not want to serve. They could make claims for compensation.

The Government of India Act of 1919 had provided for the establishment of a Public Service Commission in India, but it had not been established so far. The Lee Commission recommended that the Public Service Commission should be immediately established.

Government of India Act, 1935

When the Government of India Act, 1935, was on the legislative anvil, the members of the all-India services raised a lot of hue and cry for the safety of their position under the new set up. The result of their agitation was that very many safeguards were provided in the Act of 1935. The Act secured more or less the existing conditions in future recruitment. The rights which were already enjoyed by the services were guaranteed to them. Special responsibility was imposed on the Governor-General and the Governors to secure "to members of the public services of any right provided for them by the Constitution Act and the safeguarding of their legitimate interests." It was provided that every civil servant in India was to hold office during the pleasure of His Majesty. If an office was prematurely abolished, the persons concerned were to be given compensation. Every servant was given right of action against the Crown for wrongful dismissal. No civil servant could be dismissed by an authority inferior to the appointing authority. No member was to be dismissed or reduced in rank unless he was given reasonable opportunity of

showing cause against the action proposed to be taken in regard to him unless he was convicted of a criminal offence or was given reasonable opportunity to defend himself.

(2) The Governor-General was authorised to make appointment to Civil Services in the Federal sphere except the Indian Civil Service, Indian Police Service and Indian Medical Service (Civil). He was also authorised to make rules for the conditions of those services.

(3) In the Provincial sphere, the Governors were authorised to make appointment to Civil Services. They were also allowed to make rules for conditions to these services. The legislatures were also authorised to regulate the conditions of service. In the case of Railway Services, the power of making appointments was given by the Governor-General to the Federal Railway Authority. In the case of recruitments for higher posts in the Railway, the Federal Railway Authority was required to consult the Public Service Commission. The claims of Anglo-Indians were to be considered in the recruitment of the Central Services.

(4) The Secretary of State, Governor-General and the Governors were given full discretion to deal equitably with any officer. These officers were allowed to address complaints to the Governor-General or the Governor and also to put in an appeal to the Secretary of State against any order of punishment, censure or termination of service or alterations in the conditions of service. The Secretary of State was allowed to give compensation to any person who was adversely affected.

(5) The salaries, emoluments and pension of the Civil Services were not to be subject to the vote of the legislatures. Pensions of retired officers and the pensions of their dependants were exempted from Indian taxation if they were residing cermanently outside India.

(6) The Indian Military Widows and Orphans Fund, the Superior Services (India) Family Pension Fund and funds to be formed out of the contributions under the Military Service Family Pension Regulations and the Indian Civil Service Family Pension Rules were vested in Commissioners who were appointed by the King-in-Council. These Commissioners were to hold and administer those funds. They were to pay the pensions.

(7) Civil servants were indemnified against civil and criminal proceedings in respect of all actions done by them in good faith in the execution of their duty and the certificate of the Governor-General on the question of good faith was conclusive. Without the permission of the Governor-General or the Governor in his discretion no civil or criminal proceedings could be instituted against any officer in respect of acts done by him in his official capacity. The Governor-General or the Governor sanctioned prosecutions and also decided the courts in which the civil servants were to be tried.

(8) The Act of 1935 also made provision for the establishment of a Federal Public Service Commission at the Centre and the Provincial Public Service Commissions in the various provinces. Provi-

sion was also made for a Joint Public Service Commission for two or more Provinces.

(9) The strength of the Federal Public Service Commission was fixed by the Governor-General and of the Provincial Commissions by the Governors concerned. Half the members of the Commission were to be those persons who had held office for at least ten years under the Crown in India. It was provided that the Chairman of the Federal Public Service Commission was not to have any appointment after his retirement.

(10) The Federal Public Service Commission and the Provincial Commissions were required to conduct examinations to various services within their respective spheres. Generally, these Commissions were consulted on all matters relating to methods of recruitment, principles to be followed in making appointments promotions, and transfers from one service to another, all disciplinary matters affecting a person serving in a civil capacity in India, and claims by a civil servant for the cost incurred in litigation for acts done in discharge of his duties or for the award of a pension for injuries sustained by him while on duty and the amount of such pensions. However, these Commissions were not consulted in the matter of the distribution of various jobs among the various communities. More duties could be given to these Commissions with the previous sanction of the Governor-General or the Governor.

In short, the position, emoluments and privileges of the members of the Civil Service were secured as much as it was humanly possible to do so.

Services under the New Constitution of India

The new Constitution has also made special provisions for the Public Services of India :

(1) Article 309 provides that Acts of the appropriate legislature may regulate the recruitment, and conditions of services of persons appointed to Public Services and posts in connection with the affairs of the Union or of any State. But it shall be competent for the President or the Governor to make rules regulating the recruitment and conditions of service of the public servants until provision is made by an Act of the appropriate legislature.

(2) According to Article 310, every person who is a member of a defence service or of civil service of the Union or an all-India service or holds any post connected with defence or any civil post under the Union holds office during the pleasure of the President, and every person who is a member of a civil service of a State or holds a civil post under a State holds office during the pleasure of the Governor of the State. Notwithstanding that a person holding a civil post under the Union or a State holds office during the pleasure of the President or the Governor of the State, any contract under which a person, not being a member of a defence service or of an all-India service or a civil service of the Union or a State, is appointed under this Constitution to hold such a post may, if the President or the Governor deems it necessary in order to secure the services of a

person having special qualification, provide for the payment to him of compensation, if before expiration of an agreed period that post is abolished or he is required to vacate that post.

(3) According to Article 311, no person who is a member of the Civil Service of the Union or of an all-India service or a civil service of a State or holds civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed. No such person shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him. This Article will not apply when a person is dismissed or removed or reduced in rank on the ground of conduct which had led to his conviction on a criminal charge, or where an authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by the authority in writing, it is not reasonably practicable to give that person an opportunity of showing cause, of where the President or Governor is satisfied that in the interest of the security of the State it is not expedient to give to that person such an opportunity. If the question arises whether it is reasonably practicable to give any person such an opportunity or not, the decision of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

(4) According to Article 312, if the Council of States has declared by a resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest to do so, Parliament may by law provide for the creation of one or more All-India services common to the Union and the States and regulate the recruitment and conditions of service of persons appointed to any such service. The services known as the Indian Administrative Service and the Indian Police Service shall be deemed to be services created by Parliament under this Article.

(5) Article 313 provides that until other provision is made under the Constitution, all the laws in force immediately before the commencement of the Constitution and applicable to any public service or any post which continues to exist after the commencement of the Constitution, as an all-India service or as service or post under the Union or a State, shall continue in force so far as consistent with the provisions of the Constitution.

Public Service Commissions

According to Article 315, there shall be a Public Service Commission for the Union and a Public Service Commission for each State. Two or more States may agree that there shall be one public Service Commission for that group of States, and if a resolution to that effect is passed by the legislatures of those States, Parliament may by law provide for the appointment of a Joint State Public Service Commission to serve the needs of those States. The Union Public Service Commission, if so requested by the Governor or Rajpramukh of a State, may with the approval of the President, agree to serve all or any of the needs of the State.

According to Article 316, the Chairman and other members of a Public Service Commission shall be appointed, in the case of the Union Commission or a Joint Commission, by the President, and in the case of a State Commission, by the Governor of the State. As nearly as may be, one half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least 10 years either under the Government of India or under the Government of a State. A member of a Public Service Commission shall hold office for a term of 6 years from the date on which he enters upon his office or until he attains the age of 65 in the case of Union Commission and 60 years in the case of a State Commission or a Joint Commission. However, a member of a Public Service Commission may resign his office earlier. He may be even removed from his office. After retirement, a member of a Public Service Commission shall not be eligible for re-appointment to that office.

According to article 317, the Chairman or any member of a Public Service Commission shall only be removed from his office by an order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on inquiry, reported that the Chairman or the member ought to be removed. The President or the Governor may suspend a member or a Chairman during the inquiry. The President may remove from office the Chairman or any other member of a Public Service Commission if the latter is adjudged insolvent or engaged during his term of office in any paid employment outside the duties of the office, or is in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body. If the Chairman or any member of a Public Service Commission is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehaviour.

According to Article 318, the President or Governor, may by regulations determine the number of the members of the Commissions and their conditions of service and make provisions with respect to the number of the members of the staff of the Commission and their conditions of service. However, the conditions of service of a member shall not be varied to his disadvantage after his appointment.

Article 319 provides that on ceasing to hold office the Chairman of the Union Public Service Commission shall be ineligible for further appointment either under the Government of India or under the Government of a State. The Chairman of a State Public Service Commission shall be eligible for appointment as the Chairman or a member of the Union Public Service Commission or the Chairman of any State Public Service Commission. But he will not be eligible for any other employment either under the Government of India or under the Government of a State.

Functions of Public Service Commission

As regard the functions of Public Service Commissions, Article 320 provides that it shall be the duty of the Union Commission and the State Public Service Commissions to conduct examinations for appointments to the services of the Union and the States. It shall also be the duty of the Union Public Service Commission, if so requested by any two or more States, to assist those States in framing and operating schemes of joint recruitment for any services for which candidates possessing special qualifications are required. The Union or State Public Service Commission shall be consulted—

(1) On all matters relating to methods of recruitment to civil services and for civil posts.

(2) On the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another on the suitability of candidates for such appointments, promotions or transfers.

(3) On all disciplinary matters affecting a person serving under the Government of India or the Government of a State in a civil capacity, including memorials or petitions relating to such matters.

(4) On any claim by or in respect of a person who is serving or has served under the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of India, or, as the case may be, out of the Consolidated Fund of the State.

(5) On any claim for the award of a pension in respect of injuries sustained by a person while serving under the Government of India or the Government of a State or under the Crown in India or under the Government of an Indian State, in a civil capacity, and any question as to the amount of any such award.

Article 320 specifically provides that it shall be the duty of the Public Service Commission to advise on any matter referred to them and on any other matter which the President or the Governor may refer to them. The President as respects the All-India services and also as respects other services and posts in connection with affairs of the Union and the Governor as respects other services and posts in connection with the affairs of a State, may make regulations specifying the matter in which either generally or in any particular class of cases or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted. These regulations shall be laid for not less than 14 days before each House of Parliament or each House of the Legislature of the State, as the case may be, as soon as possible after they are made. These regulations shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or State Legislature may make during the session in which they are so laid.

Nothing shall require a Public Service Commission to be consulted as respects the manner in which any provision referred in Article 16 (4) may be made or as respects the manner in which effect

may be given to the provisions of Article 335. Article 16 (4) provides that nothing shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Article 335 provides that the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

According to article 321, an Act made by Parliament or the Legislature of a State may provide for the exercise of additional functions by the Union Public Service Commission or the State Public Service Commission as respects the service of the Union or the State and also as respects the services of any local authority or other body corporate constituted by law or of any public institution.

Article 322 provides that the expenses of the Union or a State Public Service Commission, including salaries, allowances and pensions payable to members or staff of the Commission, shall be charged on the Consolidated Fund of India or the Consolidated Fund of a State.

Article 323 provides that it shall be the duty of the Union Public Service Commission to present annually to the President a report as to the work done by the Commission and on receipt of such report the President shall cause a copy of it to be laid before each House of Parliament. He is also to intimate on what parts of the report action has been taken. The same is the case with a State Public Service Commission or a Joint Commission. In their case, the report is to be placed before the State Legislature.

A perusal of the second and third reports of the Union Public Service Commission which covered the period from April 1951 to April 1954 shows that the Commission had to criticise the acts of omission and Commission of the Government of India. It was pointed out that in certain cases Government did not accept the recommendations of the Commission. That was considered to be an unfortunate precedent. The Commission stressed the necessity of putting a check on this tendency. The Government should be bound to accept the recommendations of the Commission. The Commission also recommended that a law should be passed by which no civil servant should be allowed to draw a pension unless he can produce a certificate that his appointment was made with the approval of the Commission. The Commission also criticised the delay caused by the Government in filling up vacancies for which candidates were recommended by the Commission. It was pointed out that in one case while results were declared in February 1951, the successful candidates were not appointed even in September 1951 when the next examination was held. The result was that the successful candidates at the previous examination had to take another examination to avoid the chances of being passed over. The Commission recommended that after the declaration of result the Government must not wait for filling the necessary vacancies.

The Commission criticised the making of temporary appointments in an undesirable manner. It was suggested that no temporary hand should be employed for more than a year and if that was done, the concurrence of the Commission must be taken. To quote the Commission, "These are really cases of improper use of the power to make temporary appointments about which there have been so much public complaints."

Shortcomings

It is desirable to refer to some of the shortcomings of the public services in India during the British regime. (1) The first thing to be noticed is that the Indians were excluded from all the big jobs in the country. Those were manned by Europeans and Englishmen. The Indians felt that their exclusion was derogatory to their self-respect and patriotic sentiment. They were made to feel that they were inferior to the foreigners and that particularly so in their own country.

(2) The Congress pointed out that the members of the public service were paid on an extravagant scale. A poor country like India could not afford to pay huge sums of money to her administrators. The drain from this quarter was so great that practically very little was left for nation-building programmes. It was pointed out that the salary and emoluments of the Governor-General of India were more than those of the Prime Minister of England or the President of the U S.A.

(3) It was also contended that while India paid huge salaries to the civil servants, she was deprived of their experience after their retirement. The usual practice was that Englishmen who served in India left for their country after retirement. It was their country that took advantage of their administrative experience and not India which had paid them huge salaries and also given them opportunties to gain the experience.

(4) According to Lord Morley, the bureaucracy in India was mechanical, lifeless and soulless. No administration could be progressive or beneficent which crushed the self-reliance of the people and gave them no scope for the realisation of their natural aspirations. But such was the case in India.

Even at present, a lot has to be done to make the public services in India efficient and honest. The Gorawala Report has made many suggestions in this connection. Let us hope that something is done immediately in this matter to make the public services of India suitable for the high responsibilities which await them under a welfare State.

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CHAPTER XXVII

GROWTH OF LOCAL SELF-GOVERNMENT IN INDIA

According to de Tocqueville, "Local institutions constitute the strength of free nations. A nation may establish a system of free government, but without municipal institutions, it cannot have the spirit of liberty." The truth of this statement cannot be doubted and it is desirable to discuss as to how the system of Local Self-Government has grown in this country, what its present position is and how the same can be improved upon to serve the need of the country.

The earliest efforts in municipal Government in India were made in the Presidency towns of Madras, Calcutta and Bombay. In 1687, an order of the Court of Directors directed the formation of a Corporation of Europeans and Indian members of the city of Madras. However, the Corporation did not survive.

Under the Regulating Act of 1773, the Governor-General nominated the servants of the Company and other British inhabitants to be the Justices of Peace. They were empowered to appoint scavengers for the cleaning and repairing of the streets of Calcutta, Madras and Bombay, for making assessments for those purposes and for the grant of licences for the sale of spirituous liquors. The reason for such a provision lay in the insanitary state of affairs in the Presidency towns. We are told that the public drains were regarded as the natural receptacles for all refuse and filth. Carcasses were left to rot and putrefy in the streets. In one case, jackals preyed for two nights on a human corpse thrown near the gate of a building.

Between 1817 and 1830, spasmodic attempts were made in Madras and Calcutta to undertake works paid out of the lottery funds, and much was done with this money in laying out these towns. On completion, the roads and drains were handed over to the Justices of Peace to be maintained by them out of their assessment But even for maintenance work the funds never sufficed, and the Provincial Governments supplied the balances required. In the case of Bombay alone, a tax on carriages and carts was levied for the purpose of making roads. The Justices of Peace as a body did not take much interest in their work and their power was gradually concentrated in the hands of the Chief Magistrate who was helped in Calcutta by the Superintendent of Police to collect the taxes and supervise the work of conservancy. However, there was no trace of any popular Government.

In 1840, an Act was passed for Calcutta and in 1841 an Act was passed for Madras. These Acts widened the purposes for which the Municipal assessment was to be utilised. The inhabitants of the

town were given control over the assessment and collection of taxes. However, much did not come out of these Acts. There was no response from the public. In 1845 an Act was passed for Bombay. This Act concentrated the administrative powers in the hands of a Conservancy Board on which were two Europeans and three Indian Justices, with the Senior Magistrate of Police as Chairman.

Presidency Towns. A fresh attempt to grapple with the sanitation of the Presidency town was made in 1856 when Act XXIV and Act XXV were passed. The first Act dealt with the conservancy and improvement of the Presidency towns. The second Act provided for the better assessment and collection of rates. Special Acts were passed for the appointment of three commissioners in each town. In the Calcutta Act of 1856, special provisions were made for gaslighting and the construction of sewers. In the Bombay Act of 1858, power was given to levy dues. However, in spite of the above mentioned legislation, the town remained filthy and the laws merely existed on paper.

We are told that there were quarrels between the Commissioner and the Justices of Peace at Calcutta but work was done in the field of sanitation. In the case of Bombay, the condition of sanitation was dreadful and the death rate rose very high By the Act of 1855, the Justices were constituted as a body corporate, with control over the budget, but all executive power was concentrated in the hands of a highly-paid Government official. A special Controller of Accounts was appointed to remedy the defects in accounts. With the appointment of Crawford as Municipal Commissioner and Dr. Hewlett as Health Officer, the work of sanitation was pushed on vigorously and the whole administration was tightened up. There was great agitation against the Commissioner. The Controller of Accounts failed to control the accounts on account of his being a subordinate of the Commissioner. After a lot of controversy the membership of the Bombay Corporation was reduced to 64. Out of these, 16 were nominated by the Government, 16 were elected by the resident Justices and 32 were elected directly by the rate-payers. The executive power was concentrated in the hands of the Commissioner. Provision was made for the weekly audit of the accounts by the Town Council. There was to be a monthly audit by paid auditors. Bombay could claim the credit of having a strong Executive Officer controlled rigidly in official matters by a Committee answerable to the Corporation, half of whose members were directly elected by the rate-payers. (For details see Bombay Municipal Act of 1872). In the case of Calcutta Corporation, the Government had to interfere in 1899 because the sanitary conditions became alarming. An Act was passed for the Calcutta Corporation in 1899. Under the new Act, only half the Commissioners were to be elected by the rate-payers, the remainder being appointed, 4 each by the Bengal Chamber of Commerce and the Calcutta Traders Association, 2 by the Port Commissioners and 15 by the Local Government. The powers of the Calcutta Corporation were confined to the fixing of the rates of taxation and to the performance of general functions. The executive power was vested in the Chairman. Provision was also made for a

General Committee consisting of the Chairman and 12 Commissioners, The General Committee was given the power to decide matters which were too detailed for the decision of the Corporation but too important to be left simply to the decision of the Chairman.

In the case of Madras, the elective system was introduced in 1881. 16 out of 32 members were to be elected by the rate-payers. But the President and two Vice-Presidents were salaried officers who were appointed by the Government. The Madras Corporation was given the power to deal with the budget and the raising of loans, but the detailed scrutiny of accounts was left to two official-auditors. Fresh taxes were levied for drainage and water supply. As Madras was not a great commercial centre, there was always a shortage of funds. In 1904, a new Municipal Act was passed on the lines of Calcutta. The number of Commissioners elected by the rate-payers was reduced. Special representation was given to the commercial interests in the town.

By 1913, all the Presidency towns had approximately a uniform system of Government. All the Corporations had a limited electorate, elaborate provisions for debt, full control over finance and a strong executive centred in a Government official.

Non-Presidency Towns. Outside the Presidency towns there was practically no attempt at municipal legislation before 1842. An Act was passed in that year in Bengal, but it practically remained a dead letter. Another Act was passed in 1850 which applied to the whole of British India. This Act was of permissive nature. The Government of any province was given the power to bring the Act into operation in any town only when it was satisfied that the inhabitants of that town wanted the same. In that case, the Government was authorised to appoint the magistrate and such number of inhabitants as may appear necessary to be Commissioners on whom large powers were conferred for making rules. It was under this power that octroi duties were levied. Under this Act and subsequent Provincial Acts, a large number of municipalities were set up in all provinces. In most provinces, the Commissioners were nominated and from the point of view of self-government, these Acts did not go far enough.

Mayo's Resolution of 1870. It was only after 1870 that real progress was made in the direction of self-government. Lord Mayo's Government in their Resolution of 1870 dealing with decentralisation of finance, referred to the necessity of taking further steps to bring local interests and supervision to bear on the management of funds devoted to education, sanitation, public works, etc. New Municipal Acts were passed in the various provinces between 1871 and 1874. These Acts extended the elective principle. The results of the policy of 1870 were described in the Resolution of the Local Self-Government, 1882 thus : "Considerable progress had been made since 1870. A large income from local rates and cesses had been secured, and in some provinces the management of the income had been freely entrusted to local bodies. Municipalities had also increased in number and usefulness. But there was still a greater degree of

progress in different parts of the country than varying local circumstances seemed to warrant. In many places, services admirably adapted for Local Government were reserved in the hands of the Central administration, while everywhere heavy charges were levied on municipalities in connection with the Police, over which they had necessarily no executive control."

Ripon's Resolution of 1881. The next step was taken during the viceroyalty of Lord Ripon who has been rightly called the father of Local Self-Government in India. His resolution on Local Self-Government is a great landmark in the growth of Local Self-Government in the country. After pointing out the beneficial effects on local finance of the Resolution of 1870, the Resolution of 1881 stated that the Governor-General of India thought that time had come when further steps should be taken to develop the idea of Lord Mayo's Government. It was asserted that agreements with the Provincial Governments regarding finance should not ignore the question of Local Self-Government. The Provincial Governments were directed to transfer considerable revenues to the local bodies. The latter were also to be in charge of those matters which were chiefly concerned with the localities.

The Government of India directed the Local Governments to undertake a careful survey of the provincial, local and municipal Acts. The object of the inquiry was to find out as to what sources of revenue could be transferred from the provincial to the local heads so that they could be administered by the Municipal Committees. Secondly, it has to be found out as to what items could safely be given away to the local bodies. Only those items were to be transferred which were understood and appreciated by the people. The third object of the inquiry was to devise steps that were "necessary to ensure more Local Self-Government."

In accordance with the Resolution of 1881, letters were addressed to the Provincial Governments by the Government of India. In these despatches, the Government of India hinted at those items of expenditure that could conveniently be transferred to the local bodies for control. The Local Governments were directed to examine other items also that could be handed over to the local bodies. The Government of India recommended that the Magistrate or the Collector should be the President of the District Committees and Assistant or Deputy Magistrate the President of the Subordinate Committees. In all these Committees, the number of the non-official members was to be not less than one-half and not more than two-thirds of the whole. The Local Governments were told that "it would be hopeless to expect any real development of self-government if the local bodies were subject to check or interference in matters of detail." It was also pointed out to them that the Governor-General-in-Council is anxious that the fullest possible liberty of action should be given to the local bodies."

The Provincial Governments not only approved of the policy contained in the Resolution of 1881 but also submitted their schemes to the Government of India. The latter decided to take the next step. Another resolution was issued in 1882.

Resolution of 1882. In this Resolution of 1882, Lord Ripon took special pains to make it clear that the expansion of the system of Local Self-Government would not bring about a change for the better from the point of view of efficiency in municipal administration. To quote him, "It is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education." The Governor-General was of the opinion that when after some time more local knowledge was acquired and more local interest was created, "improved efficiency will in fact follow." But there were bound to be initial failures in the new field. If the Government officials encouraged and supported the growth of local bodies, it was hoped that the period of failure would end very soon and substantial progress would be made.

(2) The Governor-General of India refused to accept the general accusation that the people of India were indifferent to the principle of self-government. On the other hand, he was of the opinion that with the growth of education, the number of intelligent and public-spirited persons was bound to rise and their services could be profitably utilised for the management of local affairs. As regards the complaint that the previous experiments were not encouraging, the Governor-General held the view that the system was not satisfactorily tried. The previous attempts at local self-government were over-ridden and practically crushed by direct official interference. It was hoped that if more trust was put in the non-official members, there was bound to be greater efficiency and improvement in the affairs of the local bodies.

(3) Lord Ripon indicated the general lines on which further steps were to be taken so that some "real and substantial" progress might be made in the field of local self-government. The first part of the recommendations was concerned with the fundamental principles. The Local Governments were directed to maintain and extend a network of Local Boards in every district. The area of jurisdiction of every Local Board was to be so small that both local knowledge and local interest on the part of the members of the Board could be secured. The number of non-official members was to be very large and the official element was not to exceed one-third of the whole.

(4) Wherever practicable, the Local Governments were to introduce the system of election for the members of the Local Boards. Although Lord Ripon did not order the adoption of the system of elections for all the seats, he hoped that the system of elections would ultimately prevail. His own wish was that the system of elections should be introduced in as many places as the local circumstances might allow. But this was possible only if the Government officers accepted the principle ungrudgingly and set about to make it a success. In that case, each sub-divisional officer was to prepare a list of the candidates qualified to sit upon the Local Board and invite all those residing in any particular area to meet him on a day fixed at a convenient spot near their homes. He was to explain to them the objective of the Government and the nature of the duties they were required to perform. He was to ask them to elect the number of the

representatives that had been fixed for the area in question. "In the course of a few years, when the members of the Board find that they have real powers and responsibilities entrusted to them, any Government interference will become unnecessary." The electors were to be left free in the matter of elections.

(5) The second part of the recommendations of the Government of India was concerned with the degree of control to be retained by the Government over the Local Boards. It was the opinion of the Governor-General-in-Council that "the true principle" to be observed in this matter was that "the control should be exercised from without rather than from within." The Government should "revise and check the acts of local bodies but not dictate them."

(6) The Government control should be exercised in two ways. In the first place, the sanction of the Government should be made necessary to legalise certain actions of the Local Boards, *e.g.*, raising or levying of taxes, etc. The number of the cases where sanction was required, was to be large at the beginning, but was to be reduced later on as the Local Boards got more experience. Secondly, the Local Government was authorised to interfere either to set aside altogether the proceedings of the Boards in particular cases or to suspend them temporarily in cases of crises and continued neglect of either duty. The power of absolute suppression was to be exercised only with the consent of the Government of India. A general principle for guidance was put in these words: "It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the Local Boards to point out to them matters calling for their consideration, to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions or to act illegally or in any arbitrary or unreasonable manner."

(7) According to Lord Ripon, "It would be more convenient that they (executive officers) should supervise and control" the acts of the Local Boards rather than take actual part in the proceedings. It appeared to him that "so long as the Chief Executive Officers are, as a matter of course, Chairmen of the Municipal and District Committees, there is little chance of these committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in the local business. The non-official members must be allowed to feel that real power is placed in their hands, and that they have real responsibilities to discharge." Since that was lacking under the system of official Chairmen, the Governor-General wished "to see non-official persons acting wherever possible or practicable as Chairmen of the Local Boards." It was possible that a suitable non-official Chairman might not be available in a particular locality, but the policy of the Government should be to have as few official Chairmen as possible. An official Chairman was not to exercise the right of voting in the proceedings. Lord Ripon said that the natives "must not be overshadowed by the constant presence of the Burra Sahib."

(8) The approval of the Local Government was made necessary

to validate the election of a Chairman and the former could also disallow it.

(9) The Local Governments were directed to hand over to the Local Boards complete control over the local rates and cesses, licences, tax assessments and collections, pounds and ferry-receipts, etc. The Local Boards were to be granted lump-sum grants from the provincial revenues.

(10) The District Engineer was to help the local bodies in their work of supervision and maintenance of buildings. But the Engineer was to work as their servant and not as their master. The Local Boards were to be left free in the matter of initiative and direction of operations.

It is desirable to give the views of a few persons regarding the importance of Lord Ripon's Resolution of Local Self-Government. According to Prof. M. Venkatrangaiya, "It is a classic among the pronouncements made on the subject by the higher authorities and forms the basis of all subsequent developments in the history of Indian local institutions. It puts forward the case for the expansion of Local Self-Government in a most convincing manner and answers conclusively all the objections that might be raised in this connection. It points out clearly the nature of the obstacles to be faced in the practical application of the principle and suggested methods for overcoming them. Resolutions issued later on by the Government of India, and pronouncements made by the authorities in England on subsequent occasions, might have been lengthy but they have not added in any way to the arguments contained in this Resolution or affected their weight and strength. The Resolution is valuable above all as it gave a concrete and practical form to hopes and aspirations which uptill then were vague. It gave a definite lead and laid down a clear-cut path for all Provincial Governments really interested in the advance of Local Self-Government." (*Development of Local Boards in the Madras Presidency*, p. 47).

According to D. E. Wacha, the Ripon Resolution "has for ever made immemorable in the annals of India and Viceroyalty of the good liberal-minded Lord Ripon. That State paper conferred on the people the genuine boon of Local Self-Government which they have since cherished with feelings of the warmest gratitude. It necessarily contemplated many unimportant fiscal and administrative changes in all parts of the Empire, and definitely laid down the broad principles upon which the decentralisation of provincial finance for Local Government could proceed." (*Rise and Growth of Bombay Municipal Government*, p 292).

Whatever be the importance of Ripon's Resolution, it cannot be denied that both the Provincial Government and the Government of India did not carry out the policy laid down in the Resolution. The result was that even after the lapse of 36 years when another Resolution was passed in 1918, no substantial progress had been made in the field of Local Self-Government. Men like Lord Curzon were the enemies of Local Self-Government. The British bureaucracy in India was determined to see that the local bodies did not

succeed in their work. Thus it was that all the good wishes and goodwill of Lord Ripon could not and did not improve the state of affairs in this country.

Decentralisation Commission. Reference must be made to the recommendations of the Decentralisation Commission. This Commission put emphasis on the importance of village Panchayats, and recommended the adoption of special measures for their revival and growth. It also recommended the lessening of the control of the Government over the local bodies. Recommendations were made for giving more sources of income to the local bodies. Although the Government agreed with the recommendations of the Commission nothing was done in actual practice. The result was that in the vast majority of districts, Local Government continued to be one out of the many functions of the District Officer. No genuine effort was made to carry on the administration of the local bodies according to the will of the people. In many towns, the municipalities merely ratified the decisions of the official Chairmen. Even when the Vice-Chairmen were appointed, they merely followed the instructions of the officials. No wonder, the Simon Commission Report remarked thus : "In fact, outside a few municipalities there was in India nothing that we should recognise as Local Self-Government of the British type, before the era of reforms."

Resolution of 1918. The British Government declared in August 1917 that the goal of British rule in India was to give responsible Government to the people of the country and the Government was to take steps for the progressive realisation of that same ideal. In 1918, the Government of India passed an important Resolution on Local Self-Government. The basic principle of that Resolution was that "responsible institutions will not be stably rooted until they are broad-based and that the best school of political education is the intelligent exercise of the vote and the efficient use of administrative power in the field of Local Self-Government." According to the Resolution, the general policy should be one of gradually removing all the unnecessary control from the local bodies. The Government was to separate the spheres of action appropriate for local institutions from those appropriate for the Government. The Resolution formulated certain principles calculated to establish wherever possible complete popular control over local bodies. It suggested an elected majority in all the Local Boards, the replacement of the official chairman by the elected non-official chairman in the municipalities. The same was to be done in the case of rural bodies, wherever possible. The minorities were to be represented by nomination. The franchise was lowered to such an extent that the constituencies became really the representatives of the tax-payers. This resolution also put emphasis on the advisability of developing the corporate life of the village. The Government was to encourage the growth of village Panchayats. The only immediate action taken on this Resolution was that the District Officer was relieved of his duty as the Chairman of the District Board in all the provinces except the Punjab.

The Report on the Indian Constitutional Reforms of 1918

examined the existing system of Local Government in the country and came to the conclusion that throughout the educative principle had been subordinated to the desire for immediate results. It was stated that there should be as far as possible complete popular control in local bodies and the highest possible independence for them from outside control.

Under Dyarchy. Under the dyarchical system of Government set up by the Government of India Act of 1919, the Department of Local Self-Government was transferred into the hands of an Indian minister who was responsible to the Provincial Legislature for the same. It was but natural that the Indian ministers should do all that they could for the growth of Local Self-Government. It is true that they were handicapped on account of the lack of funds As the Finance Department was under the charge of an Executive Councillor who had no sympathy for the nation-building schemes not much work was actually done in the provinces. In almost every province, the Legislature tried to make local bodies as effective training grounds for larger and wider political responsibilities. The general trend of these Acts was the same. Practically all the Acts aimed at lowering the franchise, increasing the elected element to the extent of making it the immediate arbiter of policy in local affairs and at passing executive direction into the official hands. Laws were passed in every province for the growth of village Panchayats. On the whole, the effort was to lessen the official control and to make the local bodies representative of the people.

Provincial Autonomy. The same system continued under Provincial Autonomy. The Department of Local Self-Government remained in the hands of an Indian minister. He was in a stronger position on account of the fact that Finance was not a reserved Subject. No substantial change has been brought about in the field of Local Self-Government even after the independence of the country and the enforcement of the new Constitution.

Defects in the Present System. Local bodies in India have to face many handicaps. There is an all-embracing control of the executive in every sphere of their activities. This undoubtedly destroys all initiative on the part of the members of the local bodies. Without initiative on the part of the people, we could never hope to put vigour into the lifeless bodies of local institutions. There is also a great handicap of finance. Local bodies do not have enough of resources to perform their duties in such a way that they can add to the fullness and richness of the lives of the people. New sources of revenues have to be found and the Government has to follow a liberal policy in the matter of grants-in-aid and the borrowing powers of the local bodies. There is also the lack of public interest in the work of local bodies. All means of modern propaganda must be employed to emphasize on the people the great importance of local bodies in the national life of the country and thereby induce them to take interest in them. There is also a great dearth of books on the subject. The result is complete ignorance on the part of the people with regard to local affairs. It is hoped that in the higher interests of the country as a whole, not only the people in

general but also the powers that be, will take special interest in the work of local bodies. Let us not forget that without a vigorous system of Local Self-Government, the foundations of democracy become weak and shaky.

Suggested Readings

CROSS : *Developmennt of Self-Government in India,* (1858-1914).

GOPAL, S. : *The Viceroyalty of Lord Ripon,* 1958.

JHA AND RENDEL : *Indian Local Self-Government.*

TINKER, HUGH : *The Foundations of Local Self Government in India, Pakistan and Burma,* 1954.

WOLFE, LUCIEN *Life of Lord Ripon.*

CHAPTER XXVIII

HISTORY OF THE PRESS IN INDIA

The history of the Press in India starts with the Englishmen in the days of the East India Company. It was in the second half of the eighteenth century that the Anglo-Indians and Europeans started their journals. The object of those journals was two-fold : information and amusement. Those journals contained lengthy extracts from newspapers and journals published in England or Europe.

Warren Hastings and Hicky. *The Bengal Gazette* was started as a weekly in 1780 by Hicky. From the very outset, the management of the journal came into conflict with Warren Hastings who was the Governor-General of Bengal at that time. The journal criticised Mrs. Hastings and the general policy of Warren Hastings. Warren Hastings took strong action against Mr. Hicky. The latter was arrested and imprisoned and the journal had to be stopped in 1782. It is a matter of history that Mr. Hicky was a very bold man and a great upholder of the liberty of the press. He was a pioneer in the history of journalism in India. The following words give an idea of the man Hicky was: "Mr. Hicky considers the liberty of the press to be essential to the very existence of an Englishman and a free Government. The subjects should have liberty to declare their principles and opinions, and every act which tends to coerce that principle is tyrannical and injurious to the community."

Cornwallis and Duane. Like his predecessor, Lord Cornwallis had his own difficulties with the press. Mr. Duane, the editor of the *Indian World*, wrote the stuff which could not be tolerated by Cornwallis. Consequently Duane was arrested and humiliated. The tussle between Mr. Duane and the Governor-General continued for many years and ultimately Duane was deported to Europe.

In 1796, Mekenly, the editor of the *Telegraph*, displeased the authorities by publishing the article in which he made certain allegations against certain Government servants. In the same year the editor of the *Calcutta Gazette* was censured for having referred to certain communications which had passed between the Court of Directors and the French Republic.

Lord Wellesley (1798-1805). When Lord Wellesley assumed the reins of Government the situation was critical. The danger of a French invasion was occupying the mind of everyone. Sultan Tippo was negotiating with the French with a view to turning out the Englishmen from India. The Marathas who had won their victory over the Nizam, were entertaining ambitious dreams regarding their future. It was felt that a strict supervision over the press would be necessary in the interests of the safety of the Englishmen in India.

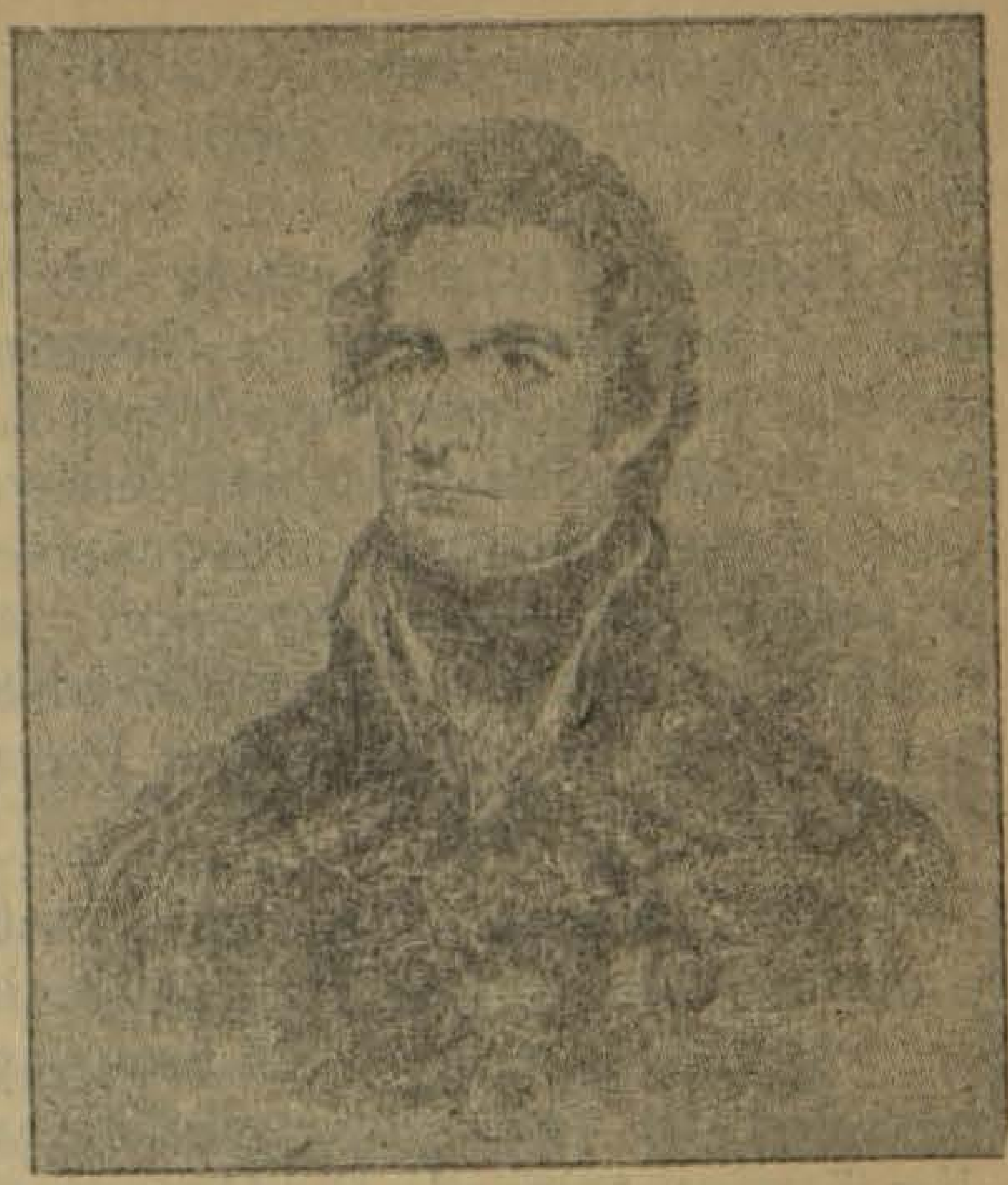
No wonder, censorship was established in 1799 over all the newspapers that were published in the country. It was laid down that the names of the editors and proprietors should be published in the newspapers. The Government took action against Charles Maclean, the editor of the *Bengal Kirkaru*. Ultimately, the editor was deported to England. The Government view was that Mr. Maclean had "assumed a privilege of animadverting, through the medium of a public print upon the proceedings of a court of justice, and of censuring the conduct of a public officer for acts done in his official capacity." Maclean also hit back. While in England, he took an active part in the agitation that ultimately led to the resignation of Lord Wellesley. No change was made in the time of Lord Minto (1808-1813).

Lord Hastings (1813-1823). Lord Hastings or Earl of Moira appreciated the important part played by an independent press and consequently encouraged the pressmen to perform their legitimate functions. To begin with he slightly modified the regulations regarding censorship in 1813. Five years after (1818) he abolished the post of the Censor on the receipt of certain complaints. However, this does not mean that the press in India became absolutely free. Fresh regulations were issued in the same year. According to those regulations, the editors were required to desist from "publishing animadversions on the proceedings of the Indian authorities in England, disquisitions on the political transactions of the local administration, or offensive remarks on the public conduct in the press of the Council, the judges or the Bishop of Calcutta, discussion having a tendency to create alarm or suspicion among the natives as to any intended interference with their religion, the re-publication from English or other newspapers of passages giving under the preceding heads or otherwise calculated to affect the British power or reputation in India and private scandal or personal remarks on individuals tending to excite dissensions in society."

Buckingham. One of the results of the abolition of censorship in 1818 was that new journals came into existence. J.S. Buckingham started the *Calcutta Journal* in 1818. He was a very bold and fearless man. He did not spare even the Chief Justice of the Supreme Court, the Governor of Madras and the Lord Bishop of Calcutta. Like Hicky and Duane, he was deported from the country. This great soul made a name for himself in England.

Munro's Recommendations. The Government of India deputed Sir Thomas Munro to examine and report on the problem of press in India. The latter studied the whole question and made his recommendations to the Government. His view was that the problem of the European press was not a serious one. According to him, "As far as the Europeans only, whether in or out of service, the freedom or restriction of the press could do little good or harm, and would hardly deserve any serious attention". However, he recommended the maintenance of censorship in their case and also the retention of the power to deport editors and pressmen out of the country. In the case of the Indian press, Munro expressed both his anxiety and fears. According to him. "But though the danger be distant, it is nevertheless there.

It could corrupt and disaffect the Indian army and work for the overthrow of the British power. It might spread among the people the principles of liberty and stimulate them to expel the strangers who rule over them and to establish a national government.... A free press and domination of strangers are things which are quite incompatible and cannot long exist together.



Sir Thomas Munro

Regulations of 1823. The Government of India accepted the recommendations of Munro and placed new regulations before the Supreme Court in March 1823 for registration. These regulations provided that no press was to be established nor any paper or book was to be printed without obtaining a licence for that purpose from the Government. All the papers and books printed under the system of licences were to be submitted to the Government for inspection. The latter was authorised to stop the circulation of any book or paper by a mere notice in the Government gazette. Although men like Raja Ram Mohan Roy and Dwarka Nath Tagore protested against those regulations, the same were registered and came into force on 15th April, 1823.

"Liberators of the Indian Press" The regulations that were made in 1823 continued to remain in force up to 1835 when they were cancelled by Sir Charles Metcalfe. The latter took this step when he was acting as Governor-General. He was assisted in this work by Lord Macaulay who was the Law Member with the Government of India at that time. The result was that the Indian press became as free as its counterpart in England. One of the effects of this action was that the English Company recalled Sir Charles Metcalfe from India. However, the people of Calcutta built a Hall in his honour.

Licensing Act of 1857. The Indian Press continued to be free from 1835 to 1857. When the Mutiny broke out in 1857, it was found necessary to put restrictions on the press in the country. Accordingly, Act XV of 1857 was enacted to regulate the establishment of printing presses and to restrain in certain cases the circulation of printed books and papers. These restrictions were of a temporary nature and were withdrawn soon after the Mutiny.

During the 1860's the *Bengalee* and the *Amrit Bazar Patrika* in Bengal and the *Akhbar-e-Am* at Lahore were started as weeklies.

Act of 1867. Act XI of 1835 which was enacted by Sir Charles Metcalfe was replaced by Act XXV of 1867. The object of the new Act was to regulate the printing presses and newspapers and also

to preserve copies of books printed in British India and also the restriction of those books. The Act of 1867 is still in force although certain amendments were made in 1890 and 1940.

Vernacular Press Act, 1878. Lord Lytton was a great imperialist and his forward policy was responsible for the tragedy of the Second Afghan War. No wonder, he was universally condemned by the Indians. Lord Lytton also hit back. On 13th March, 1878 he sent a telegram to the Secretary of State for India requesting his consent by telegram to a Press Law on the lines of the Irish Coercion Act of 1870. His justification was "the increasing violence of the native press, directly provocative of rebellion." He got the sanction for that bill the next day. As soon as the sanction was received, the bill was enacted into law within a couple of hours. The law was known as the Vernacular Press Act although it was nick-named as "The Gagging Act."

The Vernacular Press Act empowered a magistrate, with the previous sanction of the Provincial Government to require a printer or publisher to deposit a security or enter into a bond binding himself not to print or publish anything likely to incite feelings of disaffection towards the Government or hatred between the different races of India. The Government was authorised to warn as well as to confiscate the plant, the deposit, etc. in the event of the publication of some undesirable matter. The printer was given the option of submitting proofs to the official censor and dropping all rejected matter and thus escape from the clutches of law.

Divergent views were held with regard to the Vernacular Press Act. While Englishmen in general and the Government of India in particular justified its enactment, the Indians condemned it in the strongest possible terms. The view of Sir A. Arbuthnot was that as a result of this legislation, seditious and disloyal writings stopped completely and there was no interference with the legitimate expression of opinion. According to S. N. Banerjea, "Within less than fifteen months, the vernacular press all over India, save that of Madras, was muzzled." A big meeting was held in the Townhall at Calcutta. "It was one of the most successful meetings ever held in India. It sounded the death-knell of the Vernacular Press Act." In an article in the *Times of India*. Sir Pherozeshah Mehta also criticised the Act. He pointed out that the Vernacular Press was not guilty of disloyalty to the British rule. "The worst that could be said of it was that on occasions it was guilty of angry recriminations, exaggerated generalisations and vulgar personalities. But such effusions conveyed no treasonable ideas to a native reading them with his natural knowledge of native modes of thought and expression. It was at all times difficult to draw the line between severe, though just, criticism of Government and its measures, and the licentious abuse of them, bordering on the preaching of sedition and the propagation of disaffection. If the judges of distinction were to be the very men who were the objects of criticism, they would be more than human if in course of time and by gradual stages all hostile criticism was not brought within the pale of proscription. If the Vernacular Press was licentious, the system of licensing would

but aggravate and intensify its mischievous tendencies and annihilate nothing but honest and useful criticism, particularly in the case of a press in its infancy.

"Moderate and respectable men, their functions not yet hardened into habits, would retire from the field without hardly a struggle. Violent and unprincipled agitators would thrive on the persecution which would furnish the very nourishment necessary for their existence. And while the sound and healthy political growth of the people would be indefinitely retarded, the government would be deprived of all trustworthy sources of keeping itself well-informed of the real inner feelings and thoughts of the people towards them. Deprived of free and sincere criticism, it would hardly know to steer its way through servile adulation or scurrilous abuse."

According to Mody, "The Act was utterly uncalled for, unduly repressive in character and inspired by sinister motives. It was a Draconian piece of legislation based for the most part on the Irish Coercion Act of 1870 and in some respects more stringent than the latter, which was a special measure brought into existence to deal with a special emergency." Again, "Perhaps the worst feature of the Act was that it exempted from its operation all English newspapers, though in many cases they were the greatest sinners. As Mr. (afterwards Sir) Arthur Hobhouse, one of the most distinguished lawyers of the time, observed, it was Englishmen who said the worst things of the government and said them most continually ; and he condemned the distinction as 'class legislation of the most striking and invidious description, at variance with the whole tenor of our policy, and only to be justified by the most cogent proofs of danger from maltreated class'."

According to Sir Erskine Perry, a member of the India Council of the Secretary of State for India, "No imperial legislator could forge a more powerful weapon for extirpating an obnoxious press." Again, the Act was "a retrograde and ill-conceived measure injurious to the future progress of India."

There was a change of Ministry in England in 1880 when the Conservative Government of Disraeli was defeated in the General Elections and Gladstone came to power at the head of a great liberal majority. One of the results of the change in the Government at home was that Lord Lytton was called from India and Lord Ripon was appointed his successor. In spite of the sympathetic attitude of Lord Ripon, it was not possible to repeal the Vernacular Press Act at once. However, this was done in 1882. Although the Indians praised Lord Ripon for this gesture of goodwill on his part, Englishmen were not happy. According to Prof. Dodwell, the freedom of the Indian press was bound to be injurious to the interests of the British Government in India. A free Indian press was bound to criticise the acts of omission and commission of the Government, and thereby bring it into disrepute.

The Newspapers (Incitement to Offences) Act, 1908. It is well-known that the partition of Bengal by Lord Curzon and his anti-Indian policy resulted in a lot of agitation throughout the length and

breadth of the country. A movement was set on foot to drive out the Englishmen bag and baggage from the country. As time passed on, the situation became critical. Consequently, the Newspapers (Incitement to Offences) Act was passed in June 1908. In the words of the Law Member of the Government of India, the object of the Act was to put an end to the existence of those newspapers which contained any incitement to murder or any offence under the Explosive Substances Act, 1908 or any act of violence.

According to this Act, a district magistrate was empowered to confiscate the printing press where a newspaper containing an incitement to violence was printed. He was to call upon the members to show cause as to why the orders should not be made absolute. If on hearing the evidence the magistrate was satisfied that the newspaper had committed the offence, the conditional order was to be made absolute and the police was directed to attach the press and other property mentioned in the order. In the case of emergency, the magistrate was to issue warrants for attachment and even before making the order absolute. Provision was made for the taking of appeals to the High Court within 13 days of the date of the order being made absolute. The Government was also authorised to annul the declaration of the printer or publisher of the newspaper under the Act of 1877.

On account of the stringent provisions of the Act of 1908, the *Yugantar*, the *Sandhya* and the *Bandematram* stopped their publication. Although the Government had vast powers under the Act of 1908, it was contended by the Government that those powers were not sufficient to stop the dissemination of seditious literature through the press. Consequently, the Indian Press Act was passed in 1910 to meet the situation.

The Indian Press Act, 1910. The Act of 1910 empowered a magistrate to require a deposit of not less than Rs. 500 and not more than Rs. 2,000 from the keepers of news printing presses and publishers of newspapers. The Local Government was empowered to require the existing presses and publishers of newspapers to deposit not less than Rs. 500 and not more than Rs. 5,000 as security. A magistrate was authorised to dispense with the deposit of any security or cancel or vary any order already issued in this connection if he had any special reasons for doing so.

The Act of 1910 defined the term "objectionable matter" whose publication was to entitle the Government to declare security forfeited to His Majesty. All attempts, direct or indirect, to seduce persons as employed in His Majesty's defence forces or to intimidate the people to give money for revolutionary work or to prevent them from giving help in discovering and punishing revolutionary crime, were included in the definition of objectionable matter The definition of seditious publication was widened to include writings against the Indian princes, judges, executive officers and public servants. Section IV was so worded as to leave little scope for independent criticism of Government action by the press. The power of deciding whether any particular publication did or did not offend against Section

IV was given to the Provincial Government and not to the ordinary courts.

Further, if the security of a printing press or newspaper was confiscated and the keeper of the press or the publisher of a newspaper wanted to make a fresh declaration under the Act of 1867, each of them had to deposit with the magistrate a security of not less than Rs. 1,000 and not more than Rs. 10,000. If, in the opinion of the Government, the printing press of the newspaper offended against Section IV of the Act, the security was to be forfeited to His Majesty.

The Act also authorised the Customs officers and officers of Post Offices to detain any packet or parcel or consignment suspected to contain any objectionable matter and deliver the same to the Provincial Government Provision was made for an appeal to the High Court. It was to be heard by a Special Bench of three judges. The appeal was to be filed within two months of the date of order of forfeiture by the Provincial Government.

Criticism of the Act of 1910. The Indian Press Act of 1910 muzzled the Indian Press. There was a lot of hue and cry throughout the length and breadth of the country. The Press Association of India exposed the shortcomings of the new legislation and tried to save the newspapers and presses from the arbitrary orders of the Government. The Act was vigorously applied during the World War I. It was pointed out in 1919 that the Act of 1910 had penalized over 350 presses. Securities amounting to over £40,000 were demanded from 300 newspapers. Over 400 publications were penalized. Owing to the demand of security, more than 200 printing presses and 130 newspapers were not started. Newspapers like the *Amrit Bazar Patrika*, *Bombay Chronicle*, *The Hindu*, *The Tribune*, *The Punjabee*, *Hindvasi*, etc., were subjected to the rigours of the Act. Although the public demanded an impartial inquiry into the allegations, their demand was not conceded.

A Special Bench of the Calcutta High Court tried the case entitled Mohammed Ali *versus* Emperor and Chief Justice Jenkins and Justice Stephen passed certain strictures in their judgments. According to the Chief Justice, "The provisions of Section 4 are very comprehensive and its language is as wide as human ingenuity could make it. Indeed it appears to me to embrace the whole range of varying degrees of assurance from certainty on the one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of this section might not be plausibly extended by an ingenious mind. They would certainly extend to writings that may even command approval. An attack on that degraded section of the public which lives on misery and shame of others would come within this widespread net, the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught." Again, "The Advocate-General has admitted, and as I think, very properly, that the pamphlet is not seditious and does not offend against any provision of the criminal law of India. But he has contended and rightly, in my opinion,

that the provisions of the Press Act extend far beyond the criminal law; and he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be still if the applicant cannot establish the negative the Act requires, his application must fail. And what is this negative? It is not enough for the applicant to show that the words of the pamphlet are not likely to bring into hatred or contempt any class or section of His Majesty's subjects in British India or that they have not a tendency in fact to bring about that result. But *he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion metaphor or implication.* Nor is that all, for we find that the legislature has added to this the all embracing phrase 'or otherwise'." He concluded with the following words: "Mr. Mohammed Ali then has lost his book, but he has retained his character, and he is free from the stigma that he apprehended. And this doubtless will be some consolation to him when we dismiss, as we must, his present application."

In the matter of New India Printing Works, Justice Abdul Rahim made the following observations on the scope of Section 4 and the discretionary powers of the Government: "That, generally speaking, the terms of the section are extremely wide and comprehensive, cannot be doubted. *They vest the Local Government with a discretion so large and unfettered that the keeping of printing press and the publication of newspapers become an extremely hazardous undertaking in the country.* A press may be devoted to the printing of most useful and meritorious literature, or often publications of an entirely innocent and non-controversial nature, yet it will be liable to forfeiture if any matters printed in such press are considered by the Government to be objectionable within the meaning of the Act. It may be doubted if it is possible for the keeper of any printing press in the country to maintain such an efficient expert supervision over matters that are printed as to delete everything that might be regarded to fall within the 'widespread net' of Section 4.

"Similarly, newspaper may be consistently staunch in its loyalty to the Government, its general policy may be above all reproach, the sincerity and *bona fides* of the intentions of the editor may not be liable to question, but if any letters or other writings were let in, may be through carelessness, which come within the scope of any of the clauses of Section 4, the Government may at once, without any trial or even a warning, forfeit the security, and in this way ultimately put an end to the newspaper itself. That the influence of a periodical on public life in the country is on the whole decidedly beneficial need not be a bar to the Government's action. The Local Government, it may be assumed, will not indiscriminately exercise the powers which it possesses under this enactment but the vesting of such unlimited power in the Executive Government is undoubtedly a serious encroachment on the freedom which the press in India enjoyed before the passing of the Act."

In Farooq Ali *v.* the Crown, Sir Alfred Kensington, the Chief Justice of the Punjab Chief Court, remarked thus: "In estimating the results of the writing of the kind before us, we are necessarily

guided, to so large an extent, by the conclusion arrived at by Government under its wider knowledge of all that may be going on beneath the surface in India that we could hardly interfere with propriety unless it was obvious that there had been some palpable misunderstanding of the writing called in question." In the case of Ghulam Qadir Khan *v.* the Crown, the same judge remarked thus : "We are by the Act given certain extraordinary powers of interference, but these powers are strictly limited. We are authorised by statute to set aside an order of forfeiture, but not to make any other change. In this construction of our powers, it is not open to us, even if we should desire to do so, to do anything more than either reject the application or set aside the order of forfeiture as a whole."

According to Justice T. V. Seshagiri Ayyar, "The first obnoxious feature was that it substituted the discretion of the executive for the rights of publicity, audience and appeal. Secondly, it specifically violated the first principle of jurisprudence by directing *the accused to prove that he was innocent*. Thirdly, though an appeal was provided for, it has been pointed out in both the Calcutta and the Madras High Courts that the High Court had no power to question the discretion of the executive. Furthermore, the provision had the effect of humiliating the intelligentsia since the journalists were asked to furnish security, at the discretion of the Executive, before they could publish a newspaper. This humiliation no intelligent man would like to be subjected to and consequently the Act had been the cause of considerable disaffection in the country."

In the Comrade case, the Advocate-General argued thus : "I admit the pamphlet is not seditious in its nature and is quite outside the scope of the Penal Code, and I am willing to concede that the petitioner was actuated by the best motives. But the scope of the Indian Press Act is far wider than that of the Penal Code. The provisions of Section 4 are extremely comprehensive, and *the onus is cast on the petitioner to establish the negative that it is impossible for the pamphlet under any circumstances to come within the purview of the section.*"

After the passing of the Government of India Act of 1919, and the inauguration of the reforms, Sir Tej Bahadur Sapru was appointed the First Indian Law Member. A committee was appointed under him to examine the working of the Act of 1910. The report of the Committee was that the Act should be repealed. The recommendation of the Committee was accepted by the Government.

The Indian Press (Emergency Powers) Act, 1931. During the 1920's, nothing significant happened in the field of the Indian Press. However, the Indian National Congress decided at its Lahore session in 1929 to start a vigorous campaign against the Government, for the emancipation of the country. In pursuance of that resolution 26th January was declared as the Independence Day and the civil disobedience movement started in full swing in 1930. The Indian Press also played a very important part in the freedom movement. It exposed the acts of omission and commission of the British Government. Prominent place was given to the arrests of the leaders

and the lathi charging of the people. It was in this atmosphere that the Indian Press (Emergency Powers) Act was passed in 1931. The object of that Act was to provide against the publication of that matter which incited or encouraged murder or violence. Provision was made for the deposit of security by the keepers of printing presses. The Provincial Government was given the power to declare the security of the press forfeited in certain cases. If a printer applied for a fresh declaration, he would be required by a magistrate to deposit a security of the value of not less than Rs. 1,000 and not more than Rs. 10,000 as the magistrate might think fit. If even after the forfeiture of the security and the deposit of a new security, the newspaper published objectionable matter, the Provincial Government could forfeit the new security also. Provisions which applied to keepers of printing presses equally applied to the publishers of the newspapers.

Section XI penalized keeping of presses or publishing of newspapers without making the deposit as required by the Provincial Government or the magistrate. If a press did not deposit the security but when on doing its work, it could be forfeited to His Majesty and the declaration of the publisher was liable to be cancelled.

A magistrate may authorise any person to publish a news-sheet or news-sheets from time to time. Any police officer empowered for that purpose by the Provincial Government could seize any unauthorised news-sheet or unauthorised newspaper wherever found. The unauthorised news-sheets or newspapers were to be produced before the magistrate and could be ordered to be destroyed. The Government was given the power to seize and forfeit undeclared presses producing unauthorised news sheets and newspapers. The penalty for disseminating unauthorised news-sheets and newspapers was imprisonment up to 6 months, with or without fine. The Provincial Government was given the power to declare certain publications forfeited to His Majesty and also issue search warrants for the same. The Customs officers were authorised to detain packages containing certain publications when imported into British India. No unauthorised news-sheet or unauthorised newspaper could be transmitted by the post and the Government was given the power to detain these articles while being transmitted by post. Provision was made for applications being made to the High Court to set aside the order of forfeiture. Those applications were to be heard by a Special Bench of the High Court consisting of three judges.

It is obvious that the powers conferred by the Indian Press (Emergency Powers) Act of 1931 were sweeping in their nature and scope. These powers were used by the Provincial Governments to prohibit the publication of the names and portraits of well-known leaders of the civil disobedience movement as "the publication of such pictures tends to encourage the movement." Other restraints included the prohibition of the publication of Congress propaganda of any kind including messages from the persons arrested, messages issued or purported to be issued from persons in jail, exaggerated reports of political events, notices and advertisements of meetings, processions and other activities tending to promote civil disobedience

movement or any other matter in furtherance of the same. Under the Act of 1931, the British Government took action against many newspapers. The printers and publishers of the *Bombay Chronicle* were called upon to deposit Rs. 3,000 each for publishing an article by Horniman. The printer and publisher of the *Anand Bazar Patrika* each received demand for Rs. 1,000. A security of Rs. 6,000 was demanded from the *Amrit Bazar Patrika*. Rs. 6,000 were deposited by *The Liberty* of Calcutta. A security of Rs. 6,000 was deposited by the *Free Press Journal* and was later on forfeited by the Bombay Government. Similar actions were taken against other journals also. Virtually, there was a reign of terror in the country.

Foreign Relations Act, 1932. The Foreign Relations Act of 1932 replaced an Ordinance of 1931. Its object was to penalize publications calculated to interfere with the maintenance of good relations between His Majesty's Government and friendly foreign States. The necessity of this law arose when the newspapers criticised the administration in certain States adjoining the frontiers of India. The Act provided that where an offence under Chapter XXI of the Indian Penal Code was committed against the ruler of a State outside but adjoining India, or against the consort or son of Principal Minister of such a ruler, the Governor-General-in-Council might make, or authorise any person to make, a complaint in writing of such an offence and any court competent in other respects to take cognizance of such offence might take cognizance of such a complaint. Any book, newspaper or other document containing such specified defamatory matter which tended to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, could be retained in the same manner as seditious literature.

In January 1933, four ordinances were promulgated which conferred certain powers for the maintenance of law and order and particularly widened the operative section of the Press Act so as to permit action against the publication of matter calculated to encourage the civil disobedience movement.

Indian States (Protection) Act, 1934. The object of this Act was to prevent unreasonable attacks on the administration of Indian States in the newspapers of British India and to provide authorities in British India with powers to deal with bands or demonstrators organised on semi-military lines, for the purpose of entering and spreading disaffection in the territories of the Indian States.

The above laws continued to remain in force up to 1939 when the World War II broke out. In order to meet the difficult situation, the Government of India was forced to pass the Defence of India Act. The Government also framed rules known as the Defence of India Rules. These rules enabled the Government to control the Indian Press for six long years. Action was taken against those newspapers which dared to violate the above rules and laws. However, the Act and the Rules lapsed after the ending of the World War II.

Press Trust of India Ltd. The most notable event in Indian journalism in 1948 was the formation of the Press Trust of India Ltd. This organisation took over the supply of news to and from India. This was done on the basis of an agreement with the Reuters. This agreement enabled the Indian Press to get complete control over its own internal news supply. The Press Trust is a non-profit-making concern and membership is open to all newspapers of India. The P.T.I. has now become independent of the Reuters.

Press Laws Inquiry Committee, 1948. The Government of India set up a Press Law Inquiry Committee under the Chairmanship of Shree Ganganath Jha. The Committee was required to gather all the existing press laws of India and make recommendations as to what directions in which the law required to be modified. The Central Legislature nominated some members to the Committee. Three editors were also recommended by the Indian Newspaper Editors' Conference. The Committee made the following recommendations:—

(1) An explanation should be added to Section 153-A I.P.C. (promoting enmity between classes) to the effect that it does not amount to an offence under that Section to advocate a change in the social or economic order provided such advocacy does not involve violence.

(2) Repeal of the Indian States (Protection) Act of 1934.

(3) Repeal of the Foreign Relations Act of 1932.

(4) Before taking action against the Press under emergency legislation, Provincial Governments should invariably consult the Press Advisory Committee or similar body.

(5) Repeal of the Indian Press (Emergency Powers) Act of 1932 was recommended but it was also suggested that certain provisions of that Act, which did not find a place in the ordinary law of the country, should be incorporated into that law at suitable places.

(6) Section 124-A I.P.C. relating to sedition should be amended so as to apply only to acts or words which either incite disorder or are intended or tend to incite disorder.

(7) Section 144 Cr.P.C. should not be applied to the press and separate provision should be made, if necessary, for dealing with the press, in urgent cases of apprehended danger.

(1) Necessary provision should be made in the law to empower courts to order the closing down of a press for a special period in case of repeated violations of law.

The Indian Constitution. Article 19 of the new Constitution of India which came into force on 26th January 1950 provided for the freedom of expression. However, it was found from experience that the right to freedom of expression was held by some courts to be so comprehensive that no action could be taken against any individual who advocated murder and other violent crimes. Consequently, the Constitution (First Amendment) Act was passed in June 1951. It was provided that the right to freedom of speech was to be subject to all laws imposing restrictions with regard to the security of

the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation and incitement to offences.

Press (Objectionable Matter) Act, 1951. In the course of the debate in Parliament on the Constitution (First Amendment) Bill, the Government of India promised to introduce a Press Bill which was free from the objectionable features of the Indian Press (Emergency Powers) Act of 1931 and which was in accordance with the new constitution of India. Such a bill was introduced in Parliament on 21st August, 1951 and was named as the Press (Incitement to Crimes) Bill. However, its name was changed later on with a view to dissociating this Bill from the Act of 1908 which had a similar title. The amended Bill was passed by the Parliament and received the assent of the President in October 1951.

According to the Objects and Reasons of the Act, the new law was directed against the encouragement of violence or sabotage of certain other very grave offences and the publication of scurrilous matter. No precensorship was imposed on any newspaper. No action was to be taken against any newspaper unless it actually abused its freedom by the publication of some objectionable matter. Security could not be demanded arbitrarily. That could be done only after proof of the actual abuse of the freedom of the press by the publication of objectionable matter. Even in their case, the demand of security or its forfeiture was not to be provided by the executive, but by the Sessions Judge. The Sessions Judge was to pass orders only after a full trial. He was to hear both the Government and the keeper of the press or the publisher of the newspaper. The publisher or the keeper could claim the right to be tried by a special jury composed of persons particularly qualified to sit in judgment over cases of the abuse of the freedom of the press by journalistic experience or by an association with public affairs. A right of appeal was provided to the High Court on all points involved in every case. The amount of security was not to be excessive and in no case more than the amount specified in the complaint made by the competent authority was to be ordered. Provision was made for the return of the security if no further action was taken in respect of the press or the newspaper or news-sheet for a period of two years from the date of deposit. Provision was made against double penalty. Any offence punishable under the Act and any abetment of such offence was made cognisable and bailable. This Act repealed all other laws relating to the press.

It seems desirable to define the term "objectionable matter" as this term is very prominent in the Act itself. According to Section 3 of the Act, the expression "objectionable matter" means any words, signs or visible representations which are likely to incite or encourage any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area ; or incite or encourage any person to commit murder, sabotage or any offence involving violence ; or incite or encourage any person to interfere with the supply and distribution of food or other essential commodi-

ties or with essential services ; or seduce any member of any of the armed forces of the Union or of the police forces from his allegiance to his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force ; or promote feelings of enmity or hatred between different sections of the people of India ; or which are grossly indecent or scurrilous or obscene or intended for blackmail. It is well-known that when the above Bill was on the legislative anvil, a lot of hue and cry was raised by the press. However, the Government gave an assurance to the press that it would not abuse these powers and that the matter would be discussed once again after the lapse of two years. The life of the Act was extended for two years in 1954 and the same has been allowed to lapse now.

Press Commission. The Government of India appointed on 23rd September 1952 a Press Commission consisting of 11 members. The chairman of the Commission was Justice G. S. Rajadhyaksha. The Commission submitted its report in August 1954.

The Commission recommended the establishment of an all-India Press Council. The Council was to consist of 25 members of whom 13 or more were to be working journalists of standing in the profession, including working editors. It was to have in addition a chairman who should be either sitting or a retired judge of a High Court. He was to be nominated by the Chief Justice of India. The following were to be the objects of the Press Council :—

(1) To safeguard the freedom of the press and to help the press to maintain its independence.

(2) By censuring objectionable types of journalistic conduct and by all other possible means to build up a code in accordance with the highest professional standards.

(3) To keep under review any development likely to restrict the supply and dissemination of news of public interest and importance.

(4) To encourage the growth of the sense of responsibility and public service among all those engaged in the profession of journalism.

(5) To study development in the press which may tend towards concentration or monopoly and if necessary to suggest remedies therefor.

(6) To publish reports, at least once a year, regarding its work and reviewing the performance of the press, its development and the factors affecting them.

(7) To improve methods of recruitment, education and training for the profession, by the creation of suitable agencies for the purpose such as a Press Institute.

The Press Registrar is to keep a close watch on the circulation of newspapers. If he comes to the conclusion that in a particular area or in a language, a monopoly has developed, he is to bring it to the notice of the Press Council who will conduct an investigation into the existence of the monopoly, whether that had acted against

public interest, whether undesirable pratices had been resorted to for eliminating competition and what measures, if any, were necessary to deal with the situation. The State Trading Corporation for Newsprint was to be entrusted with a monopoly of imports and could take over the entire output of Indian mills on a fair basis and sell the same along with imported newsprint at equated prices.

The Commission recommended that the publication of newspapers and periodicals should be made a central responsibility and suggested the banning of cross-word puzzle competition forms. It recommended the introduction of price-page schedule for newspapers and suggested that advertisements should not cover more than 40% of the total space. The Commission favoured single unit papers and recommended that in case of multiple editions, each unit should be separated from the others in the matter of accounts. Where a chain consisted of a number of groups, each group was to be separated from the other. The adoption of a strict code of advertising by an association of publishers was recommended. The Commission recommended the enactment of legislation to regulate the newspaper industry which should make it punishable with fine or imprisonment to give fraudulent advertisement.

The Commission found a considerable degree of concentration in the ownership of Indian newspapers and felt that there was danger that the tendency might develop in the future. The proposed Press Council was to review at the end of 5 years all the consequences of newspaper ownership in the light of circumstances then existing and to make appropriate recommendations.

The news agencies should not be owned or controlled by the State and any assistance from the State to the news agencies should be without strings attached. The State should have no voice in the control of the agency either editorially or administratively.

The Commission recommended that a public corporation based on the existing organisation but controlled by a Board of Trustees under a Chairman to be appointed by the Chief Justice of India should take up the management of the Press Trust of India. No organisational changes were prescribed for the United Press of India. The employees should have representation on the Board of Trustees.

Suggested Readings.

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CHAPTER XXIX

HISTORY OF EDUCATION

When the English East India Company acquired territories in various parts of India, it found that both the Hindus and the Muslims had their educational institutions which were linked up with their religion. The Pandits taught Sanskrit to the Hindus in their Pathshalas and the Maulvis taught the Muslims in the mosques. To begin with, the Company left the Indian system undisturbed and respected the endowments made by the Indian rulers. However, Warren Hastings established the Calcutta Madrasah "to qualify the sons of Mohammedan gentlemen for responsible and lucrative offices in the State." The subjects taught were theology, logic, rhetoric, grammar, law, natural philosophy, astronomy, geometry, and arithmetic. A few years later, John Owen, Chaplain to the Bengal Presidency, requested the Government to establish schools for the purpose of teaching English "to the natives of these provinces." Nobody cared for his request. However, after a few years, another educational institution was set up at Banaras "for the preservation and cultivation of the Laws, Literature and Religion of the nation, to accomplish the same purpose for the Hindus as the Madrasah for the Mohammedans and specially to supply qualified Hindu Assistants to European Judges."

In 1792-93, when the House of Commons debated the renewal of the Charter of the East India Company, Wilberforce carried a resolution emphasising the adoption of such steps as would lead to the advancement in useful knowledge of the people of India. He suggested the sending of school masters and missionaries to India. The move of Wilberforce was opposed and it was maintained that the Hindus had "as good a system of faith and morals as most people." It was pointed out that it would be madness to give them any kind of learning other than what they possessed.

After a few years, Charles Grant, one of the Directors of the Company, submitted a memorandum in which he lamented the low moral condition of the people of India. He asked the Company to improve their condition by imparting to them a knowledge of the English language which was to serve as "a key which will open to them a world of new ideas." As the Muslim rulers had taught Persian to the Indians, in the same way the Englishmen should teach English to the people of India. To quote him, "It would be extremely easy for Government to establish, at moderate expense, in various parts of provinces, places of gratuitous instruction in reading and writing English ; multitudes, especially of the young, would flock to them ; and the easy books used in teaching might at the same time convey obvious truths on different subjects. The Hindus would, in time, become teachers of English themselves ; and the employment

of our language in public business, for which every political reason remains in full force, would, in the course of another generation, make it very general throughout the country. There is nothing wanting to the success of this plan, but the hearty patronage of Government."

In 1811, Lord Minto regretted the neglect of literature and science in India and suggested improvements in existing colleges in addition to the establishment of new ones. A clause was inserted in the Charter Act of 1813 stipulating that "a sum of not less than one lakh of rupees in each year shall be set apart and applied to the revival and improvement of literature and for the introduction and promotion of knowledge of the sciences among the inhabitants of the British territories in India."

Raja Ram Mohan Roy formed an association for founding an institution where the Hindus were to receive instructions in European languages and sciences. The Hindu College was founded in 1817. In 1818, the Bishop of Calcutta opened an institution which was to serve the double purpose of training young Christians as preachers and of imparting a knowledge of the English language to Hindus and Muslims. Raja Ram Mohan Roy opposed the establishment of a Sanskrit College at Calcutta. However, nobody bothered about this protest. The Court of Directors of the Company were happy at the prospect of having qualified Indians to help them in the administration. To quote them, "As the means of bringing about this most desirable object, we rely chiefly on their becoming through a familiarity with the European literature and science, imbued with the ideas and feelings of civilized Europe—on the ample cultivation of their understanding, and specifically on their instruction in the principles of moral and general jurisprudence."

Elphinstone in his Minute of 1823 urged the establishment of schools for teaching English and European sciences. In a communication to the Commissioners for Indian Affairs, Elphinstone wrote thus : "I conceive it is more important to impart a high degree of education to the upper classes than to diffuse a much lower sort of it among the common people. The most important branch of education is that designed to prepare natives for public employment. If English could be at all diffused among persons who had the least time for reflection, the progress of knowledge by means of it would be accelerated in a ten-fold ratio since every man who made himself acquainted with a science through English would be able to communicate it in his own language to his countrymen." He proposed the establishment of a school at Bombay where English might be taught "classically" and where instruction might also be given in that language on history, geography and science. In 1833, he set up a similar school at Poona. In 1834 was started the Elphinstone College at Bombay. It was expected to train "a class of persons qualified by their intelligence and morality for high employment in the civil administration of India."

By this time, demand for the study of English had increased tremendously. English books were being sold by thousands. There

was practically no demand for Sanskrit and Arabic books. In order to satisfy the popular demand, English classes were attached to the Calcutta Madrasah and the Sanskrit College at Calcutta. The same was done in the Agra College which was established in 1811. In spite of that, the Oriental Colleges were not popular. There started a controversy as to whether instructions should be given through English or through Arabic or Persian. The Anglicists maintained that all instruction should be given through English. The Orientalists insisted on teaching through the oriental languages. To settle the controversy, the Government appointed a Committee. Among the Orientalists were many distinguished officers of the Government and their view prevailed for some time. When Lord Macaulay was appointed the Chairman of the Committee in 1835, the parties were so evenly balanced that things had come to a deadlock. Lord Macaulay wrote a Minute which turned the scales against the Orientalists. He discussed the Charter Act of 1813 which provided a sum of money for the revival and promotion of literature and for the introduction of the knowledge of sciences among the inhabitants of India. He disputed the view that by literature Parliament could have meant only Arabic and Sanskrit literature as he had not yet found an orientalist "who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia." His argument was that English was the language spoken by the ruling class. It was likely to become the language of commerce "throughout the seas of East." He came to the conclusion that the Government was free to employ its funds in teaching what was better worth knowing than Sanskrit or Arabic. "Neither as the languages of law nor as the languages of religions have Sanskrit or Arabic any peculiar claim to our encouragement," and "it is possible to make natives of the country thoroughly good English scholars" to which end efforts should be directed. Lord Macaulay had expressed similar views in the House of Commons before he came to India. To quote him, "Are we to keep the people of India ignorant in order that we may keep them submissive ? Or do we think that we can give knowledge without awakening ambition ? Or do we mean to awaken ambition and provide it with no legitimate vent ?....It may be that the public mind of India may expand under our system until it has outgrown that system, that by good Government we may educate our subjects into a capacity for better government, that having become instructed in European knowledge, they may, in some future age, demand European institutions. Whether such a day will ever come I know not. Whenever it comes it will be the proudest day in English history....The sceptre may pass away from us. Victory may be inconstant to our arms. But there are triumphs which are followed by no reverse. There is an empire exempt from all natural causes of decay. There triumphs are the pacific triumphs of reason over barbarism ; the empire is the imperishable empire of our arts and our morals, our literature and our laws." Again, "The question before us is simply whether, when it is in our power to teach this language—English—we shall teach languages in which, by universal confession, there are no books on any subject which deserve to be compared to our own ; whether, when we can teach

European science, we shall teach systems* which, by universal confession, wherever they differ from those of Europe, differ for the worse; and whether, when we patronise sound philosophy and true history, we shall countenance, at the public expense, medical doctrines which would disgrace an English farrier, astronomy which would move laughter in the girls at an English boarding-school, history abounding with kings thirty feet high and reigns thirty thousand years long, and geography made up of seas of treacle and seas of butter."

Lord William Bentinck, the Governor-General, approved of the Minute of Lord Macaulay. A resolution was passed on 7th March 1835 and the following points were emphasised in that resolution :—

1. That "the great object of the British Government ought to be the promotion of European literature and science amongst the natives of India and that all funds appropriated for the purposes of education would be best employed on English education alone;

2. "that while the colleges of oriental learning were not to be abolished, the practice of supporting their students during their period of education was to be discontinued;

3. "that Government Funds were not to be spent on the printing of oriental works; and

4. "that all the funds at the disposal of the Government would henceforth be spent in imparting to the Indians a knowledge of English literature and science."

According to H. H. Wilson, "Upon the proposal to appropriate all the funds to English education, there was a petition from the Mohammedans of Calcutta, signed by about 8,000 people, including all the most respectable Maulvis and native gentlemen of the city. After objecting to it upon general principles, they said that the evident object of the Government was the conversion of the natives; and they encouraged English exclusively and discouraged Mohammedan and Hindu studies because they wanted to induce the people to become Christians." With a view to removing the misgivings of the Muslims, Lord William Bentinck declared a policy of strict neutrality. "In all schools and colleges, interference and injudicious tampering with the religious belief of the students, mingling direct or indirect teaching of Christianity with the system of instruction, ought to be positively forbidden."

A reference may be made to the work done by the Christian Missions in the field of education. In 1716, the Danish missionaries opened an institution for the training of teachers. In 1717, they opened two charity schools at Madras. They were also instrumental in opening English schools at other places. Missionaries like Carey, Marshman and Ward started their work at Serampore in 1793. By 1820, the Missionary societies were doing a lot of work in this field, but their primary object was not to educate the people, but to preach Christianity. The Missionaries realised that the spread of English language would help the spread of Christianity in the country. In

Bombay was started the Wilson College and in Madras the Christian College. In 1853 was founded the Saint John's College at Agra. Missionary colleges were also founded at Masaulipatam and Nagpur. The Bible Classes were made compulsory in these institutions. According to Dr. Duff, "One great object was to convey, as largely as possible, a knowledge of our ordinary improved literature and science to the young persons ; but another, and a more vital object was to convey a thorough knowledge of Christianity with its evidences and doctrines. Our purpose was, therefore, to combine in close, inseparable and harmonious union, what has been called a useful secular with a decidedly religious education."

A Government Resolution of 1844 provided that for public employment in every case, preference would be given to those who had been educated in Western science and were familiar with the English language. According to Lord Auckland, "I would make it my principal aim to communicate through the means of the English language a complete education in European literature, philosophy and science to the greatest number of students who may be ready to accept it."

Wood's Despatch of 1854. Sir Charles Wood's Despatch to the Court of Directors has been described as "The Magna Carta of English Education in India." It set forth a scheme of education far wider and more comprehensive than any one which had been suggested so far. It enunciated the aim of education as the diffusion of Arts, Science, Philosophy and the literature of Europe. The study of Indian languages was to be encouraged. The English language was to be taught wherever there was a demand for it. Both the English language and the Indian languages were to be regarded as the media for the diffusion of European knowledge. It was felt that the time had come for the establishment of universities in India which might encourage a regular and liberal course of education by conferring academic degrees as evidence of attainment in the different branches of Science and Art. It was decided to establish universities on the model of the London University. Each university was to consist of a Chancellor, Vice-Chancellor and a Senate. The Senate was to manage the university funds and frame regulations for the holding of examinations. Professorships were to be instituted in various branches of learning among which were law, civil engineering and classical oriental languages. Calcutta and Bombay were to have the first universities. A university might be created at Madras also or at any other place in India where a sufficient number of institutions existed from which properly qualified candidates for degrees could be supplied. It was laid down that the affiliated institutions would be periodically visited by Government Inspectors. It was hoped that a spirit of healthy rivalry could grow among the educational institutions, and the division of university degrees and distinctions into different branches would direct the efforts of highly educated men to the studies which were necessary to success in the various active professions of life.

The Despatch also recommended the establishment of institutions for training teachers for all classes of schools. The existing

Government Schools and Colleges were to be maintained and their number was to be increased if and when necessary. New Middle Schools were to be established. More attention was to be given to elementary education. The system of grants-in-aid was to be started by the Government to help private enterprise. However, these grants were to be given on the principle of religious neutrality. A comprehensive system of scholarships was to be started. Female education was to be encouraged by the Government. A Director of Public Instruction was to be appointed in every province. He was to be assisted by Inspectors and Assistants or Deputy Inspectors. According to Prof. Dodwell, the men in charge of the Department were primarily administrators and consequently education tended to become a matter of routine administration.

The Hunter Commission, 1882. In 1882, Lord Ripon appointed a Commission "to enquire into the manner in which effect had been given to the principles of the Despatch of 1854 and to suggest such measures as it may think desirable in order to the further carrying out of the policy therein laid down." The Hunter Commission collected a lot of useful information and made the following recommendations :—

1. While advocating the gradual withdrawal of the State from direct support and management of institutions of higher education, the Commission felt that this withdrawal could only be by slow and cautious steps. A College or a Secondary School was to be handed over to the Indians provided there was a reasonable prospect that the cause of education would not suffer through the transfer.

2. Provision was to be made for ordinary and special grants to colleges.

3. There were to be alternative courses in the larger colleges.

4. Certain general principles were to be followed as regards college fees and exemption from them.

5. New regulations regarding scholarships were to be framed.

6. An attempt was to be made to prepare a model text-book based upon the fundamental principles of natural religion such as may be taught in all Government and non-Government colleges.

7. "The principal or one of the professors in each Government and aided college, was to deliver to each of the college classes, in every session, a series of lectures on the duties of a man and a citizen."

8. Special measures were to be adopted for the encouragement of education among the Mohammedans.

9. All elementary schools were to be inspected and supervised by the Educational Officers of the Government.

10. The Commission put emphasis on physical and mental education of the students.

11. According to the Commission, primary education needed strongest encouragement. A part of the provincial revenues should be exclusively reserved for primary education. Primary education should be given by the State, district boards, and municipalities.

Secondary education should be encouraged through local or private bodies. All secondary schools should be made over to private management wherever that is possible.

The Government of India accepted the recommendations of the Commission and directed the preparation of an annual report reviewing the progress of education in the country. Higher education progressed at great speed during the next few decades.

In January 1902, Lord Curzon appointed a Commission to "enquire into the condition and prospects of the universities established in British India; to consider and report upon any proposals which may have been, or may be made for approving their construction and working, and to recommend such measures as may tend to elevate the standard of university teaching, and to promote the advancement of learning." The Commission made the following recommendations :—

1. The legal powers of the older universities should be enlarged and all the universities be recognised as teaching bodies. The local limits of each university should be more accurately defined and steps taken to remove from the Calcutta list the affiliated colleges in C. P., U. P., etc.

2. The Senate, the Syndicate and the Faculties should be reorganised and made more representative than before.

3. The affiliation rules should be formed in such a way as to secure that no institution shall be admitted to affiliation unless on the fullest information, and that no institution once admitted be allowed to fall below the standards of efficiency required for affiliation and the Syndicate should satisfy itself from time to time on this point.

4. There should be a properly constituted governing body for each college.

5. Attention should be paid to the residence and discipline of students.

6. The courses and methods of examination in all subjects should be changed according to the suggestions made in the Report.

Universities Act of 1904. The Government of Lord Curzon accepted the recommendations of the Raleigh Commission and embodied them in the Universities Act of 1904. The Act reconstituted the governing bodies of the universities. The Senate of the university was to have not less than 50 and not more than 100 members. The number of elected fellows was fixed at 20 for Universities of Calcutta, Bombay and Madras and 15 for the other two. Statutory recognition was given to the Syndicates with adequate representation of university teachers on them. Conditions for affiliation to the university were clearly laid down and were intended to be rigorously observed. The University was given the power of making provision for the instruction of students through the appointment of university professors and lecturers and to do all acts which tend to the promotion of study and research. The Government was vested with certain

powers regarding the regulations to be framed by the Senates and the Governor-General-in-Council was empowered to define the territorial limits of the universities.

According to Chirol, "As was to be expected under a Viceroy who was a great autocrat with an overwhelming faith in the efficiency of Government machinery, the chief purpose of the Act of 1904 was to tighten the hold of the Government on the Universities, and in the first place on their Senates, which were still retained as the ruling bodies, by reducing their total number whilst increasing to an overwhelming majority the proportion of those nominated by the Chancellor and giving ex-officio seats on them to Provincial Directors of Public Instruction. In the Syndicates, which were the executive bodies, provision, at first sight effective, was made for a large number of college teachers, but none was eligible who was not already a member of the Senate. Increased powers of supervision over existing colleges and the imposition of more stringent conditions for the affiliation of new ones, were steps in the right direction, but they came too late and made no attempt to deal with the fungus growths which, in so many schools, were rotting the foundations on which a sound college education could be built up. New faculties were created to deal with the university curricula and with the methods of university examinations, but these were also to be mere examinations from the Senate. Practically nothing was henceforth to be done without the approval of Government."

The public opinion in India was very critical of this Act as the number of seats in the Senate thrown open to elections was very small and the restriction of numbers was supposed to create a majority for Europeans. The provisions for the exercise of teaching functions by the University were not considered very important as such provisions in the previous Acts had not been utilized. The new regulations for affiliation of colleges were regarded as a means to hamper Indian private effort in the field of education.

Although Lord Curzon disavowed all intention of turning the universities into State departments or to "fetter the colleges and schools with bureaucratic handcuffs," yet the main result of the passing of the Act was to Europeanise the Senates and Syndicates of the universities and to turn them into some of "the most completely Governmental Universities of the world." This was recognised by the Calcutta University Commission. What Lord Curzon intended to do was to assert the doctrine of State responsibility and control in matters of university education. The Indian opposition was based on the growing conviction that Lord Curzon was bent upon restricting the opportunities for higher education open to young Indians. According to Frazer, "Educated Indians sincerely thought that the Viceroy meant to deal a blow at the university system. According to the same author the source of the greatest controversy of Lord Curzon's viceroyalty which produced bitterness among the leaders of Indian opinion and which was responsible for making the Viceroy most unpopular with the educated classes in India, was the Act of 1904.

Resolution of 1913. A Government Resolution was issued in

1913 and this clarified the policy with regard to higher education. As India would not be able to dispense altogether with the affiliating universities for a long time, it was necessary to restrict the area over which such universities would have control. New teaching and residential universities were to be established within every province. Teaching universities were to be established at Dacca, Aligarh and Banaras. New affiliating universities were to be established at Rangoon, Patna and Nagpur. The outbreak of the World War delayed the implementation of the Resolution, but universities were started at Banaras and Patna in 1916 and 1917.

Calcutta University Commission. The Government of India in the time of Lord Chelmsford appointed the Sadler Commission for the purpose of holding an inquiry of a very comprehensive and searching character into the problems of the Calcutta University. The terms of reference included all aspects of collegiate and university education. Problems of secondary education were not excluded from the scope of inquiry. The Commission was expected to study the organisation and working of other Indian Universities with a view to helping it to formulate tha policy of the Calcutta University. The Commission submitted a voluminous Report in 1919 dealing practically with every problem of secondary and university education. The main recommendations of the Sadler Commission were as follows :—

1. The intermediate classes of the university were to be transferred to secondary institutions and the stage of admission to the university was to be that of the existing Intermediate Examination.

2. Secondary and Intermediate education was to be controlled by a Board of Secondary Education and not by the university.

3. The Government of India should cease to have any special relationship to the University of Calcutta and the Government of Bengal should take its place.

4. The duration of the Degree Course should be three years after the Intermediate stage, the provisions being applied immediately in regard to Honours Courses and soon after to Pass Courses.

5. The teaching resources of the City of Calcutta were to be organised to create a real teaching university and the project of a university at Dacca was to be carried into effect at the earliest possible moment. The mofussil colleges were to be organised in such a way as would encourage the gradual rise of new university centres by the concentration of higher teaching at a few points.

6. Special attention was to be paid to the education of women and a Board was to be created for that purpose.

7. The Government service system being unsuitable for universities, a new organisation of the teaching service in universities was necessary.

8. Problems of vocational and professional training including that of teachers, lawyers, medical men, engineers, architects and agriculturists were to be seriously taken in hand by the universit and numerous reforms were suggested for that purpose.

9. The medium of instruction for most subjects up to High School stage was to be the vernacular, but for later stages, it was to be English.

10. The method of examinations required complete overhauling. The Government of India drafted a Bill to enforce the recommendations of the Commission. However, financial difficulties stood in the way. In 1920, the recommendations of the Commission were forwarded to the Provincial Governments by the Government of India. The Dacca University and Lucknow University were started in 1920 on unitary teaching lines. The Allahabad University was started in 1921 and Delhi University was started in 1922 on the same lines.

Under the Government of India Act, 1919, the department of education was transferred into the hands of the Indian Ministers responsible to the Provincial Legislatures. However, the Government of India controlled and guided the general policy of higher education. Under the Government of India Act, 1935, entire university education was placed under the control of the Provincial Governments. The only exception was in the case of a university which functioned in two provinces.

Sergeant scheme for education. This scheme was prepared by Sir John Sergeant, the Educational Adviser to the Government of India. It sought to introduce universal, free and compulsory education for boys and girls between the ages of 6 and 14. The scheme was estimated to cost Rs. 200 crores a year. This basic education was to consist of two stages, the junior stage covering 5 years and the senior stage covering 3 years. After the primary stage, all the boys and girls were not to be allowed to go to the High Schools. Only those were to be allowed to proceed who were expected to profit from higher education. Approximately, one out of every five was expected to join the High Schools. Schools were to be maintained out of public funds as far as possible. Restrictions were also to be placed on the admission of students into colleges. Intermediate Course was to be included in the High School Course, and the college teaching was to last for three years. A national youth movement was to be started throughout the country. The movement was to teach the youngmen to build their bodies and serve their country.

Radhakrishnan Commission (1949). After the independence of India, the Government of India appointed in 1948 a University Commission under the chairmanship of Sir S. Radhakrishnan. The terms of reference of the Commission were to consider and make recommendations on the following subjects :—

1. The aims and objects of University education and research in India.

2. The changes considered necessary and desirable in the constitution, control, functions and jurisdiction of universities in India and their relations with the Government of India and the Provincial Governments.

3. The finance of universities.

4. The maintenance of the highest standard of teaching and examinations in the universities and colleges under their control.

5. The courses of studies in the universities and their duration.

6. The standards of admission to university courses of study with reference to the desirability of an independent university entrance examination and the avoidance of unfair discriminations which militate against the fundamental right contained in Article 23 (2).

7. The medium of instruction in the universities.

8. The provision for advanced study in Indian culture, history, literature, languages, philosophy and finance.

9. The need for more universities on a regional or other basis.

10. The organisation of advanced research in all branches of knowledge in the universities and institutes of higher research in a well-co-ordinated fashion avoiding waste of efforts and resources.

11. Religious instruction in the universities.

12. The special problems of Delhi University, Aligarh University and Banaras Hindu University.

13. The qulifications, conditions of service, salaries, privileges and functions of teachers and the encouragement of original research by teachers.

14. The discipline of students, hostels and the organisation of tutorial work and any other matter which is germane and essential to a complete and comprehensive enquiry into all aspects of university education and advanced research in India.

After touring the whole of the country, interviewing people and receiving and conxidering the memoranda from various quarters, the Commission made the following recommendations in 1949 :—

The Commission recommended the establishment of rural universities with Santiniketan and Jamia Millia as their model. The Report criticised the allocation of small funds for education. They were not to be more than five per cent of the total revenue. The Commission stressed the necessity of increasing considerably the grants for scholarships and stipends so that the poor might not suffer. The colleges were not to be allowed to admit more than one thousand students. Where the mother-tongue was not the same as the federal language, the federal language was to be the medium of instruction. If the mother-tongue and the federal language were identical, the students were required to take any other Indian, classical or modern language. There should be no attempt at hasty replacement of English as a medium of instruction for academic standards. The Commission did not prescribe any time-limit. There were to be no denominational or sectarian religious considerations. As regards co-education, it would be adopted in the secondary stage and then again in the college stage. The Commission laid considerable stress on improving the standards of the teaching profession. There were to be four classes of teachers, *viz.*, professors, readers, lecturers and instructors. Promotion from one category to another was to be solely on the basis of merit.

University Grants Commission. In 1956, the Indian Parliament passed the University Grants Commission Act. That Act provides for the appointment of a University Grants Commission by the Central Government. The nine members of the Commission are appointed by the Central Government. Every member holds office for a period of six years. The Chairman of the Commission is appointed by the Central Government and his job is a whole-time job carrying a salary. The Commission meets at different times at different places.

It is the general duty of the Commission to take, in consultation with the Universities or other bodies concerned, all such steps as it may think fit for the promotion and co-ordination of University education and for the determination and maintenance of standards of teaching, examination and research in the Universities. For the purpose of performing its functions, the Commission can enquire into the financial needs of Universities, allocate and disburse grants to Universities, recommend to any University the measures necessary for the improvement of University education and advise the University upon the action to be taken for the purpose of implementing such recommendations, advise the Central Government or any State Government on the allocation of any grants to Universities for any general or specified purpose out of the Consolidated Fund of India or the Consolidated Fund of the State as the case may be, advise any authority, if such advice is asked for, on the establishment of a new University or proposals connected with the expansion of the activities of any University, advise the Central Government or any State Government or University on any question referred to it by the party concerned, collect information on all such matters relating to University education in India and other countries as it thinks fit and make the same available to any University, require a University to furnish it with such information as may be needed relating to the financial position of the University or the studies in the various branches of learning undertaken in that University and perform such other functions as may be prescribed or deemed necessary by the Commission for advancing the cause of higher education in India.

For the purpose of ascertaining the financial needs of a University or its standards of teaching, examination and research, the Commission can, after consultation with the University, cause an inspection of any department or departments to be made. The Commission has to inform the University about the time of inspection and also communicate to the University concerned the result of that inspection. If a University does not comply with the recommendations of the Commission, the latter can withhold its grant to that University.

Suggested Readings.

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CHAPTER XXX

RELIGIOUS AND SOCIAL DEVELOPMENT

India made a tremendous progress both in the religious and the social fields during the 19th century and after. It was a period of transition from mediaevalism to the modern age. The Indian mind was stirred as a result of its contact with the forces from the West and no wonder progress was registered in many fields.

Raja Ram Mohan Roy (1774-1833). The name of Raja Ram Mohan Roy stands foremost in the field of religious and social development. He was born in 1774 in an old-fashioned and well-to-do Brahmin family in Bengal. When he was hardly 15, he wrote a pamphlet in Bengali in which he denounced idol-worship which, he asserted, was not recognised in the Vedas. Young Ram Mohan Roy had to pay very heavily for it. He was turned out from his orthodox family and he had to live in exile. However, he made the best of the opportunity offered to him by Providence. He travelled far and wide and thus was able to gather a lot of experience and learning. He already knew Arabic and Persian and now he was able to master Sanskrit. He also picked up some knowledge of English, French, Latin, Hebrew and Greek. As he was able to study in original the scriptures of the important religions of the world, he was in a position to have a comparative idea of religion as such. No wonder, his concept of universal religion was not based on any abstract principles but on a profound knowledge of the various religions.



Raja Ram Mohan Roy

In 1805, Ram Mohan Roy joined the service of the English East India Company in Bengal, and continued to work there up to 1814. After his retirement, he settled in Calcutta and devoted himself entirely to the service of the people. In 1814, he started the Atmiya Sabha. In 1828, he founded the Brahmo Samaj. He went to England in 1831 on a special mission to plead the cause of the

Mughal Emperor of Delhi. While he was still busy in that work, he died at Bristol on 27th September 1833. He was given the title of Raja by the Mughal Emperor.

In all his activities, Raja Ram Mohan Roy was actuated by a deep love of his motherland and an intense sympathy for the ignorant and the poor. As it was not possible to have an armed rebellion against the Englishmen, he continued to educate the public opinion and thereby encouraged political consciousness among his countrymen. He adopted all possible means to raise the morale of the people.

Although he himself was one of the foremost orientalists of the age, his conviction was that India could progress only through liberal education covering all the branches of Western learning. No wonder, he gave all his support to those who stood for the introduction of the study of English language and Western sciences in India and he was ultimately successful in his efforts. He helped in the foundation of the Hindu College which was the best modern institution of its time in those days.

The Raja fought for the freedom of the Press. He himself founded and edited a Bengali journal called the *Samvad Kaumudi* which was among the earliest Indian-edited newspapers. He carried on a vigorous agitation against the Press Regulations of 1823. He submitted a memorial to the Supreme Court in which he dwelt on the benefits of a free press. His agitation for the freedom of the Press must have paved the way for the final emancipation of the Press in 1835.

The Raja stood for the abolition of *sati*. He carried on ceaseless propaganda against this inhuman custom both in the press and on the platform. The opposition was so great that there was a time when his very life was in danger. However, he was not intimidated by the attacks of his enemies. It was his consistent support which enabled Lord William Bentinck to ban *sati* in 1829. When the orthodox people put in a petition before the Privy Council in England, he put in a counter-petition before the British Parliament on behalf of his progressive friends and co-workers. He was happy when the Privy Council rejected the petition. The abolition of *sati* put the Raja in the front rank of the world's humanitarian reformers.

During his stay in England from 1831 to 1833, the Raja agitated for reform in the administrative system of British India. He was the first Indian to be consulted on Indian affairs by the British Parliament. While giving his evidence before a Select Committee of House of Commons, he suggested reforms in practically all branches of Indian administration. The political ideas of the Raja were influenced by European philosophers and jurists like Bacon, Hume, Bentham, Blackstone and Montesquieu. He advocated the peaceful settlement of international disputes through the mediation of a congress composed of an equal number of members from the Parliaments of the countries concerned.

Before everything else, Raja Ram Mohan Roy was a religious reformer and seeker after truth. His study of Christianity, Islam,

and Hinduism brought him to the conclusion that there was the prevalence of the monotheistic principle in all religions. This helped him to create, house and endow the first theistic church at Calcutta. The Raja was friendly to all religions. He was stirred by the monotheism of Islam and ethical and moral principles of Christianity. No wonder, the Muslims regarded him as a Muslim, Christians as a Christian, Unitarians as a Unitarian and Hindus as a Vedantist. As a matter of fact, he was none of these in a conventional sense. He believed in the fundamental truth and unity of all religions. He was not prepared to allow any form of worship to be criticised. Worship in the Brahmo Samaj was conducted in such a way as to strengthen the bonds of union between men of all faiths, persuasions and creeds. The Raja was not a prophet but a reformer who tried to preserve all that was true and pure and removed all that was false and superstitious. His ideas were welcomed by the Unitarian and theistic circles in the West.

The Raja made his contribution to literature also. He was a prolific writer in many languages. He was one of the greatest savants of his age. He was a great linguist and master of style. He is known as one of the creators of modern Bengali prose.

The Raja has been rightly called "the herald of a new age." According to Monier-Williams, the Raja was "perhaps the first earnest-minded investigator of the science of comparative religions that the world has produced." According to Seal, the Raja was "the harbinger of the idea of universal humanism, the humanist, pure and simple, watching from his conning tower the procession of universal humanity in universal history." According to Miss Colet, "Ram Mohan stands in history as the living-bridge over which India marches from her unmeasured past to her incalculable future. He was the arch which spanned the gulf between ancient caste and modern humanity, between superstition and science, between despotism and democracy, between immobile custom and conservative progress, between a bewildering polytheism and a pure, if vague, theism." According to Nandlal Chatterjee, Raja Ram Mohan Roy "was the human link between the unfading past and the dawning future, between vested conservatism and radical reform, between superstitious isolationism and progressive synthesis, in short. between reaction and progress."

According to Rabindranath Tagore, Raja Ram Mohan Roy "inaugurated the modern age in India." He has also been described as the Father of Indian Renaissance and the Prophet of Indian Nationalism. Behind all of his ideas of social and religious reforms, there lay the thought of bringing about the political regeneration of his countrymen. To quote him, "I regret to say the system adhered to by the Hindus is not well-calculated to promote their political interest. The distinction of castes, introducing divisions and sub-divisions among them, has entirely deprived them of political feeling, multitude of religious rites and ceremonies and the laws of purification have totally disqualified them from undertaking any difficult enterprise. It is, I think, necessary that some change should take place in their religion at least for the sake of their political advantage and social comfort."

Like the Moderates of the latter half of the 19th century and the beginning of the 20th century, Raja Ram Mohan Roy believed that the British rule in India was a Divine dispensation. It was all for the good of the people of this country. He did not stand for the full independence of the country. He believed that Indians should be given more and more share in the administration of the country by gradual stages. He was in favour of only those political demands for which his countrymen were already competent. He stood for civil liberty for all with all its implications.

The work of Raja Ram Mohan Roy was in the nature of the preparation of this country for political advancement in the future. By removing the social and religious evils, he prepared the Indians for political consciousness. He was undoubtedly the pioneer in this field and no wonder he has been rightly called the father of Indian Nationalism.

The Brahmo Samaj. The Brahmo Samaj was founded in 1828 by Raja Ram Mohan Roy. It was the culmination of his earlier Atmiya Sabha of 1814. In the Trust Deed of the Brahmo Samaj, drawn up in 1830, Raja Ram Mohan Roy made it clear that he aspired only to establish a strict monolatrous worship of the Supreme Being, a worship of the heart and not of the hand, a sacrifice of self and not of the possessions of the self. The Brahmo Samaj advocated the worship of one God and the brotherhood of man. It also stood for respect for all religions and their scriptures. Followers of all religions were invited to come and worship in the same temple in the spirit of brotherhood.

In the words of Ramsay MacDonald, "The Brahmo Samaj was unwilling to desert Hinduism, but was willing to become liberal and respond to the impact of western faiths."

After the premature death of Raja Ram Mohan Roy, the Brahmo Samaj was left without any organisation, constitution, membership, covenant or pledge. There was a period of depression, but it was revived by the efforts of Maharishi Devendra Nath Tagore, (1817-1905). Within five years of his joining the Samaj in 1843, the Maharishi put new life into the organisation and introduced a regular form of church service, including thanksgiving, praise and prayer.

Keshav Chandra Sen was also an important member of the Brahmo Samaj. However, he put more emphasis on Christian and Vaishnava teachings. This led to a breach in the Brahmo Samaj. The two parts of the Brahmo Samaj came to be known as the Sadharan Brahmo Samaj and the Adi Brahmo Samaj. Keshav Chandra also organised a new church known as Navavidhan Samaj in which he was regarded as the prophet. As regards the work of Keshav, he played an important part in the passing of the Marriage Act of 1872. The Cooch-Behar Marriage case of 1878 was a turning point in his life. His daughter was less than 14 and she was married to the Maharaja of Cooch-Behar who was less than 16. People protested against this action of Keshav and public meetings were held to turn him out from the Brahmo Samaj.

It goes without saying that the Brahmo Samaj was responsible for changing the outlook of the Hindus towards Western ideas. It influenced the life of the people in very many ways. Even now the Brahmo Samaj has its followers and institutions in various parts of India.

Prarthana Samaj. In 1849, the year of the annexation of the Punjab, was started in Maharashtra a society called Paramhans Sabha. Its influence was restricted and it broke up very soon. Another organisation was started by Dr. Atma Ram Pandurang with the object of rational worship and social reform. The name of the society was the Prarthana Samaj. This society conducted night schools for working people, and associations of women for education of girls. It also ran an orphanage and an asylum at Pandarpur. It also set up a Depressed Classes Mission for improving the condition of the depressed classes. Two great members of this Samaj were Sir R.G. Bhandarkar and Justice Ranade. Ranade was responsible for the Deccan Education Society. He did a lot for the education of the people. Gokhale started the Servants of India Society and N. M. Joshi started the Social Service League to collect and study social facts and discuss social problems with a view to forming public opinion on questions of social service and secure for the masses better and reasonable conditions of life and work.

The Theosophical Society. The society was founded by Madame Blavatsky and Col. Olcott in 1875 in the United States. In 1879, both of them came to India and established the headquarters of the Society at Adyar near Madras. The Theosophical Society became prominent in the time of Mrs. Annie Besant. She joined the society in 1889 and came to India in 1893. On her arrival in India, she dedicated her whole life to the cause of the society. She explained her mission in these words : "The Indian work is, first of all, the revival, strengthening and uplifting of ancient religions—Hindusim, Zoroastrianism and in Ceylon and Burma, Buddhism. This brought with it a new self-respect, a pride in the past, a belief in the future, and, as an inevitable result, a great wave of patriotic life, the beginning of the rebuilding of a nation." She was responsible for the founding of the Central Hindu School at Banaras which later on grew into the Banaras Hindu University.

Ramakrishna Mission. The Mission was started in 1896 by Swami Vivekananda in the memory of Ramakrishna Paramhansa. The Mission has branches all over India and has done a lot of humanitarian work in the country. "The disciples of Ramakrishna do not accept the full programme of Brahmo Samaj but they are all liberal thinkers and do not stick to the orthodox principles. His disciples are divided into two groups : first the Ascetics who do not marry and dedicate their lives to God and the service of men. The followers of the second group live in the world and earn their livelihood, but try to regulate their lives according to the teaching of Ramakrishna. They are not social reformers in the literal sense of the word, but they are helping in the reconstruction of society in several ways." The Ramakrishna Mission has set up a large number of schools, orphanages and dispensaries.

The Dev Samaj. The Dev Samaj was founded by Satyanand Agnihotri in 1887. This movement had its headquarters at Lahore. It set up schools and colleges for the people. An important feature of this organisation is that it is militantly atheistic.

The Arya Samaj. Swami Dayanand was the founder of the Arya Samaj. The son of a well-to-do Brahmin in Gujrat, he left his family in search of truth. He wandered all over India and studied at many places. However, he got his real learning at the feet of Swami Virjanand. After completing his education, he devoted the rest of his life in the propagation of Vedic religion and the reform of Hindu society. In 1875, he founded the Arya Samaj which ultimately became a great religious, social and educational movement. Later on, a large number of schools and colleges were set up all over the country and they became the centres of aggressive and militant nationalism in the country. The Arya Samaj gave India such great leaders as Lala Lajpat Rai and Swami Shradhanand. The British Government regarded the D.A.V. Colleges and Schools and Gurukulas as the centres of sedition and breeding grounds of patriots and revolutionaries. The Arya Samaj did a lot of work in the field of untouchability, education of women, weakening of the bonds of castes, the remarriage of widows and the discouragement of early marriages of children. The Arya Samaj made the Hindus militant and aggressive. The policy of Shuddhi brought many converts to Hinduism.


Swami Dayanand

Swami Dayanand helped the cause of nationalism in an indirect manner. He put faith in the people in their future. By removing the evil customs from the Hindus, he prepared them for the battle of freedom. In this way, he did the same work as was done by Raja Ram Mohan Roy. He was perhaps the first Indian to preach the gospel of Swadeshi and 'India for the Indians'. He declared that good government was no substitute for self-government. He depicted the glory of India's past and called upon the Indians to take pride in their past and also build up a similar future. The movement started by him became a mass movement and created a new spirit and new life among his followers. Swami Dayanand was fearless. He believed in truth. His motto was *Satyam Eva Jayate Na Anritam* (Truth alone triumphs and not untruth). He anticipated Mahatma Gandhi in his constructive programme.

According to Sri Aurobindo, "Among the great galaxy of remarkable figures that will appear to the eye of posterity at the head of the Indian Renaissance, one stands out by himself with the peculiar and solitary distinctness, one unique in his type, as he is unique in his work. It is as if one were to walk for a long time amid a range of hills rising to a greater or lesser altitude, but all with sweeping contours, green-clad, flattering the eye even in their stands apart, piled up in sheer strength, a mass of bare and puissant granite, with verdure on its summit, a solitary pine jutting out into the blue, a great cascade of pure, vigorous and fertilising water gushing out from its strength as a very fountain of life and health to the valley. Such is the impression created on my mind by Dayanand." He was "a great soldier of Light, a warrior in God's world, a sculptor of men and institutions, a bold and rugged victor of the difficulties which matter presents to spirit." He brought back an old Aryan element into the national character. "He was not only plastic to the great hand of Nature, but asserted his own right and power to use life and Nature as plastic material. We can imagine his soul crying still to us with our insufficient spring of manhood and action, 'Be not content, O Indian only to be infinitely and grow vaguely, but see what God intends thee to be, determine in the light of His inspiration to what thou shalt grow. Seeing, hew that out of thyself; hew that out of Life. Be a thinker, but be also a doer; be a soul, but be also a man; be a servant of God, but be also a master of Nature.' For this was what he himself was; a man with God in his soul, vision in his eyes and power in his hands to hew out of life an image according to his vision. Hew is the right word. Granite himself, he smote out a shape of things with great blows as in granite."

The Arya Samaj was founded in 1875. Although the life of its founder was cut short in 1883, its followers carried on the work started by the founder. Very soon, it came to the forefront in the reform of Hindu society. It started the work of Shuddhi or conversion or reconversion of persons to Hinduism. It started a large number of schools and colleges. It played an important part in the national life of the country. Mahatma Hans Raj, Guru Datt Vidyarthi and Lala Lajpat Rai were great followers of the Arya Samaj. Mahatma Hans Raj was the founder-principal of the D.A.V. College, Lahore, which was one of the biggest educational institutions in Northern India. In addition to the D.A.V. College, Lahore, very many schools and colleges were started by the D.A.V. College Managing Committee. In 1892, the Arya Samaj was spilt up into two parts, *viz.*, the D.A.V. College Section and the Gurukul Section. Mahatma Hans Raj was the leader of the first Section and Swami Shradhanand was the leader of the other Section. The Gurukul Party started in 1902 the famous Gurukul Kangri which has grown into a university. It goes without saying that the Arya Samaj has played and is even now playing an important role in the educational field. It has been responsible for moulding the lives of crores of youngmen and women of this country.

Islam. For a long time, the Muslims refused to reconcile themselves with the changes brought about by the advent of the

English in India. The result was that they remained unaffected by the new changes in society. Sir Syed Ahmed Khan (1817-1898) was responsible for bringing about a change in the outlook of the Muslims. He asked the Muslims to change their political, religious, educational and social ideas and bring about a working harmony between East and West. He went to England and on his return started the M.A.O. College at Aligarh in 1875. It is true that there was a lot of opposition to begin with but ultimately this grew into the Aligarh Muslim University in 1920. Sir Syed also tried to prepare the Urdu translations of books on English literature and scientific works. He was also in favour of the abolition of Purdah and education of women. He propagated his views through his magazine called "Tahzil-ul-Akhlaq (Reform of Morals)". It goes without saying that his life-work brought about revolution among the Muslims. A large number of societies or Anjumans were started by the Muslims for the service of their community. A powerful Muslim press also came into existence. The origin, growth and development of the All-India Muslim League and the help given to it by the British Government made the Muslims stronger and stronger.

Reference may also be made to the Ahmadia movement which was started by Mirza Ghulam Ahmed. The Mirza was born at Qadian in District Gurdaspur of the Punjab. He was conservative and reactionary in his outlook. He was opposed to the abolition of Purdah. He defended the Islamic law of divorce and polygamy. After the death of the Mirza in 1908, the movement was managed by a Khalifa. However, a split took place in 1914. One group came to be known as the Lahori Party and the other group came to be known as the Qadiani Party. The Qadiani Party considered the founder as a Prophet (Nabi). The Lahori Party considered the founder merely as a reformer in Islam (Mujadhid).

The Sikhs. The Sikhs were also influenced by the prevailing atmosphere in the country. They started the Chief Khalsa Diwan and set up the Khalsa College at Amritsar. The Shiromani Gurdwara Prabandhak Committee was started by the Sikhs to get rid of the corrupt Mahants and reform the Gurdwaras. The Sikhs succeeded in their objective. They have been successful in starting a large number of schools and colleges in various parts of the country.

The Parsees. In 1851, the Parsees started the Rahnumai Mazdayasnan Sabha or Religious Reform Association for the "regeneration of the social condition of the Parsees and the restoration of Zoroastrian religion to its pristine purity." K. R. Cama did a lot for the spread of education among the Parsees. B. M. Malabari also rendered great service to his community. In 1910 was held a Zoroastrian Conference.

Christianity. During the 19th century, the Christians did a lot in spreading education and converting the Indians to Christianity. It was laid down in the Charter Act of 1813 that "it is the duty of this country to promote the introduction of useful knowledge and of religion and moral improvement in India and that facilities be offered by law to persons desirous of going to and remaining in India to

accomplish this benevolent design." Consequently, Bishops were appointed in the Presidencies. A large number of high caste educated Hindus were converted to Christianity. Missionaries like Carey, Duff, Grant, Marshman and Dr. Forman did a lot in converting people to Christianity. Although their main work was the conversion of the Indians, they were also responsible for spreading education in the country. Another effect of Christianity was that the Indian religions tried to reform themselves in order that they might be saved from its attacks. The caste Hindus also changed their attitude towards the depressed classes.

Social Development: Sati. The most important social reform of the 19th century was the abolition of *sati* or the practice of burning Hindu widows on the funeral pyres of their husbands. The practice of *sati* was a very ancient one and although it did not become equally common throughout India, Bengal, Rajputana and the South Indian kingdom of Vijayanagar were its main mediaeval strongholds. *Sati* was never in theory a religious obligation, but merely a highly meritorious act which was intended to bring reward in the next life. It was believed that by burning herself on the funeral pyre, a widow sanctified her ancestors, removed the sins of her husband and got rest for herself for ages to come. She was believed to live in heaven after death.

With all the force of high precedents and romantic stories behind it, *sati* for a woman of high character and class was transformed from a pious act into almost an obligation. Strong social pressure was brought on a widow to induce her to burn herself along with her husband. The position of widows among the Hindus was also a factor which helped the growth of this custom. The life of a Hindu widow was full of misery. She was expected to eat only one meal a day. She was not to sleep on a bed. She was never to put on good clothes. She was to live a life of renunciation. In some cases, her head was clean-shaved. To quote Abbe Dubois, "Doomed to perpetual widowhood, cast out of society, stamped with the seal of contumely, she has no consolation whatever except may be the recollection of hardships she has had to endure during her married life."

It is very difficult to say how far *sati* was *voluntary*. It is true that *there must have been cases when women out of family pride went happily to the funeral pyres* and the history of Rajputana is full of such examples, but in most cases, widows were practically left with no choice. They were forced to sacrifice themselves by the Brahmins and their relatives. There were also women who wanted to be *sati* but who found themselves too weak to do so. In such cases, once a woman announced her intention of becoming *sati*, she was not allowed to retract. Reference may be made to some examples to show the nature of *sati*.

The following is the report by a Superintendent of Police, Ewert : "It is generally supposed that a *sati* takes place with the free will and consent of the widow, and that she frequently persists in her intention to burn, in spite of the arguments and entreaties of her relation. But there are many reasons for thinking that such an event as a voluntary *sati* very rarely occurs ; few widows would think

of sacrificing themselves unless overpowered by force or persuosion, very little of either being sufficient to overcome the physical or mental powers of the majority of Hindu females. A widow, who would turn with natural instinctive horror from the first hint of sharing her husband's pile, will be at length gradually brought to pronounce a reluctant consent, because distracted with grief at the event, without one friend to advise or protect her, she is little prepared to oppose the surrounding crowd of hungry Brahmins and interested relations, either by argument or force....In this state of confusion a few hours quickly pass, and the widow is burnt before she has had time even to think on the subject. Should utter indifference for her husband, and superior sense, enable her to preserve her judgment, and to resist the arguments of those about her, it will avail her little—*the people will not be disappointed of their show*; and the entire population of a village will turn out to assist in dragging her to the bank of the river and in keeping her down on the pile. Under these circumstances nine out of ten widows are burnt to death."

The following is a dramatic account of *sati* as given by Abbe Dubois: "In 1794, in a village of the Tanjore district called Pudupettah, there died a man of some importance belonging to the Komatty (Vaisya) caste. His wife, aged about 30 years, announced her intention of accompanying her deceased husband to the funeral pyre. The news having rapidly spread abroad, a large concourse of people flocked together from all quarters to witness the spectacle. When everything was ready for the ceremony, and the widow had been richly clothed and adorned, the bearers stepped forward to remove the body of the deceased, which was placed in a sort of shrine... Immediately after the funeral car followed the widow, borne in a richly decorated palanquin. On the way to the burning ground she was escorted by immense crowd of eager sightseers lifting their hands towards her in token of admiration and rending the air with cries of joy. She was looked upon as already translated to the paradise of Indra, and they seemed to envy her happy lot.

"While the funeral procession moved slowly along, the spectators, especially the women, tried to draw near her to congratulate her on her good fortune, at the same time expecting that, in virtue of the gift of prescience such a meritorious attachment must confer upon her, she would be pleased to predict the happy things that might befall them here below. With gracious and amiable mien she declared to one that she would long enjoy the favours of fortune; to another that she would be the mother of numerous children who would prosper in the world; to the third that she would live long and happily with a husband who would love and cherish her: to a fourth that her family was destined to attain much honour and dignity and so forth. ..

"During the whole procession, which was a very long one, the widow preserved a calm demeanour. Her looks were serene, even smiling; but *when she reached the fatal place where she was to yield up her life in so ghastly a manner, it was observed that her firmness suddenly gave way....Her looks became wildly fixed upon the pile. Her*

face grew deadly pale. Her very limbs were in a convulsive tremor.... The Brahmins who conducted the ceremony, and also her near relatives, ran quickly to her, endeavouring to keep up her courage and revive her drooping spirits. All with no effect. The unfortunate woman, bewildered and distracted, turned a deaf ear to all their exhortations and preserved a deep silence.

"She was then made to leave the palanquin, and as she was scarcely able to walk, her people helped her to drag herself to a pond near the pyre. She plunged into the water with all her clothes and ornaments on, and was immediately afterwards led to the pyre, on which the body of her husband was already laid. The pyre was surrounded by Brahmins, each with a lighted torch in one hand and a bowl of ghee in the other. Her relatives and friends, several of whom were armed with muskets, swords, and other weapons, stood closely round in a double line, and seemed to wait impatiently for the end of this shocking tragedy. This armed force, they told me, was intended not only to intimidate the unhappy victim in case the terror of her approaching death would induce her to run away, but also to overawe any persons who might be moved by a natural feeling of compassion and sympathy, and so tempted to prevent the accomplishment of the homicidal sacrifice...*The poor widow was instantly divested of all her jewles, and dragged more dead than alive, to the pyre.* There she was obliged, according to custom, to walk three times round the pile... during the second (round) her strength wholly forsook her, and she fainted away...Then, *at last, senseless and unconscious, she was cast upon the corpse of her husband.* At that moment the air resounded with noisy acclamations. The Brahmins, emptying the contents of their vessels on the dry wood, applied their torches, and in the twinkling of an eye the whole pile was ablaze."

Here is another account given by Captain Sleeman in his "Rambles and Recollections" : "After bathing, she called for a pan (betel leaf) and ate it, then rose up, and with one arm on the shoulder of her eldest son, and the other on that of her nephew, approached the fire. I had sentries placed all round, and no other person was allowed to approach within five paces. As she rose up fire was set to the pile and, it was instantly in a blaze. The distance was about 150 yards. She came on with a calm and cheerful countenance, stopped once, and, casting her eyes upward, said, 'Why have they kept me five days from thee, my husband ?' On coming to the sentries her supporters stopped - she walked once round the pit, paused a moment, and, while muttering a prayer, threw some flowers into the fire. She then walked up deliberately and steadily to the brink, stepped into the centre of the flame, sat down, and leaning back in the midst as if reposing on a couch, was consumed without uttering a shriek or betraying one sign of agony."

Whether *sati* was voluntary or under compulsion, it cannot be denied that the custom was a horrible one. Even before the British regime, efforts had been made to stop it. Albuquerque, the Portuguese Viceroy, prohibited *sati* in Goa in 1510. Some Mughal Emperors also issued orders against this practice. Baji Rao, the last Peshwa, also discouraged *sati*. The Dutch, the French and the

Danes were also against it. However the problem of the English East India Company was a very serious one. The Company had declared its intention of respecting the beliefs of the Hindus and the Muslims. No wonder, Warren Hastings refused to interfere in the matter of *sati*. In the time of Cornwallis, a British magistrate, on his own initiative, stopped *sati* from taking place. When he referred the general question for orders to the Government, he was told that he must in future confine himself to dissuasion. Lord Wellesley referred the question to the Nizamat Adalat, but the judges did not advise the abolition of *sati*. However, they recommended strict enforcement of the limitation placed on it by Hindu law. Lord Minto did not tackle the problem. In 1812, the question was raised by another magistrate and he was asked to follow the view of the judges of the Nizamat Adalat. This created a very unfortunate position which has been described in these words: "Previous to 1813 no interference on the part of the police was authorised, and widows were sacrificed legally or illegally as it might happen; but the Hindus were then aware that the Government regarded the custom with natural horror, and would do anything short of direct prohibition to discourage and gradually to abolish it. The case is now altered. The police officers are ordered to interfere, for the purpose of ascertaining that the ceremony is performed in conformity with the rules of the Shastras, and in that event to allow its completion. *This is granting the authority of Government for the burning of widows*; and it can scarcely be a matter of astonishment that the number of sacrifices should be doubled when the sanction of the ruling power is added to the recommendations of the Shastras."

Many officials urged the prohibition of *sati* but the Government hesitated on account of the fear of resistance from the people. Men like Raja Ram Mohan Roy were in favour of educating the public opinion against the practice of *sati*. In a prepared petition, he gave his views in these words: "Cases have frequently occurred when women have been induced by the persuasion of their next of heirs, interested in their destruction, to burn themselves at the funeral pile of their husbands. That others, who have been induced by fear, to retract a resolution rashly expressed in the first moments of grief, of burning with the deceased husband have been forced down upon the pile and then bound with ropes and green bamboos until consumed with the flames; that some, after flying from the flames, have been carried back by their relatives and burnt to death."

In 1823, the Home Government asked the Government of India to tackle the problem afresh but nothing was done for some time. When Lord William Bentinck became Governor-General, he had consultations with his officials and public men of the country and ultimately came to the conclusion that the evil must be stopped. On 4th December 1829, *sati* was made illegal in Bengal. It was laid down that persons assisting, even in a voluntary *sati*, were to be held guilty of culpable homicide. Similar legislation was passed in the presidencies of Madras and Bombay.

The fear of rebellion proved to be groundless. The opponents of the Governor-General had not the courage to accept the challenge.

A large number of Bengali gentlemen sent a petition to the Privy Council against the interference of the Government in their rights and liberties. However, that petition was rejected and the matter ended. Some writers have condemned the British Government for not taking action earlier. However, it must not be forgotten that the Government was bound to follow a policy of caution in delicate matters of religion. It was only when the policy of educating the people against *sati* failed that it was decided to take coercive action. Moreover, before the time of Bentinck, the position of the English company itself was not very strong in this country.

The British Government did not rest content with the abolition of *sati* in British India alone.[1] Efforts were made to stop *sati* even in the Indian States and those were ultimately successful. In some cases, mere pressure was enough to stop the practice. In some cases, the practice was stopped when a State came under the British control for a temporary period on account of the minority of an Indian prince. In other cases, States were annexed to British India and then the practice was stopped. In some cases, when a Raja desired to enter into a treaty with the English Company, the abolition of the practice of *sati* was made a condition precedent. The practice was also stopped in the Rajput States. One by one, the Rajput States surrendered to British pressure. The last *sati* at the death of an Indian ruler took place in 1861. However, the battle was won by 1850 and the *sati* in 1861 was merely its last shot.

Abolition of Infanticide. The custom of infanticide was particularly prominent among the Rajputs who considered an unmarried daughter as a disgrace to their family and who also found it difficult to find suitable husbands for their daughters. According to Tod, "Although religion nowhere authorises this barbarity, the laws which regulate marriage among the Rajputs powerfully promote infanticide. Not only is intermarriage prohibited between families of the same clan but between those of the same tribe." The difficulty was magnified by the extravagant expenditure which Rajput conventions demanded on the occasion of a daughter's marriage. Chieftains and land holders were constantly reminded by the priests and bards of the munificence of their ancestors at marriage feasts. The birth of a daughter was a liability and thus the custom of female infanticide sprang up.

In 1795, infanticide was declared to be murder by Bengal Regulation XXI. In spite of this, the custom continued. Daughters were killed by the administration of opium or by suffocation immediately after birth. Sometimes, the mother was forced to starve the child.

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1. In the Regulation provinces suttee had been prohibited by a Regulation passed in 1829. In Sind the Regulation was not operative and the evil was left to be dealt with according to individual predilection. When it was represented by the Brahmans that it was a practice sanctioned by religion and one which should be respected, Sir Charles Napier replied: "Be it so. This burning of widows is your custom. Prepare the funeral pile. But my nation has also a custom. When men burn women alive we hang them and confiscate all their property. My carpenters shall, therefore, erect gibbets on which to hang all concerned when the widow is consumed. Let us all act according to national customs".

The evil of female infanticide was ended by propaganda and the forceful action on the part of the British Government. The offenders were warned that very strong action would be taken against them if they committed the offence.

Raja Ram Mohan Roy also raised his voice against the evils of polygamy and Kulinism. Through the efforts of Keshav Chandra Sen, the Native Marriage Act of 1872 was passed. This Act abolished early marriage, made polygamy penal, sanctioned widow remarriages and intercaste marriages for those who chose to come under the Act. The Arya Samaj also carried on a vigorous agitation for reform in this field. M. B. Malabari, the Parsi reformer, carried on agitation against the child marriage. In 1891 was passed the famous Age of Consent Act which raised the age of consummation from 10 to 12 in the teeth of opposition. The critics maintain that the Act "was an infringement of the Queen's Proclamation of 1858 by which she pledged her government to a policy of non-interference with the religions of her Indian subjects." In 1901, the Government of Baroda passed the Infant Marriage Prevention Act. This Act fixed the minimum age for marriage for girls at 12 and for boys at 16. In 1930 was passed the famous Sharda Act. The object of the Act was to discourage the solemnization of marriages between boys under 18 and girls under 14 years. This Act has remained a dead letter on account of the opposition of the Hindus and the apathy of the Government.

Widow Remarriage. A movement was started for the remarriage of Hindu widows. This movement got a momentum during the period of the agitation for and against *sati*. The daughter of Babu Shyam Chandra Dass became a widow and he circulated among the Pandits of India the question "whether the widowed daughter of a Sudra who had not known her husband and who was unable to practise the higher virtue of concremation with her husband's corpse, or endurance of the hardships of life of widowhood, can be remarried agreeably to the Shastras." Pandits met and gave a certificate of permission. However, it was pointed out that the permission applied only to Sudras and not to the caste Hindus.



Pt. Ishwar Chandra Vidyasagar

Pandit Ishwar Chandra Vidyasagar, the great Sanskrit scholar was responsible for carrying on a vigorous agitation for the remarriage of widows. He quoted chapter and verse from the Shastras to prove that widow remarriage was not banned by the Hindu

scriptures. A large number of signatures were collected and petitions were sent to the Government. Ultimately, a law was passed in 1856 by which the remarriage of widows was legalised. It was declared that the issues of the remarried widows were to be legitimate. After the passing of the law, a large number of widows were remarried. The Brahmo Samaj also advocated the remarriage of widows. The Arya Samaj did not lag behind in this connection. In Maharashtra, Pandit Vishnu Sastri did a lot of work for the cause of Hindu widows. Ranade also gave his helping hand. Sir R G. Bhandarkar, Agarkar, and D.K. Karve have also done a lot in the same connection. Karve himself remarried a Brahmin widow in 1899. He opened at Poona a Hindu Widows' Home. The All-India Women's Conference has also done a lot of work in this connection.

Medical colleges have been set up for the education of women. The Lady Dufferin Fund provided for the training of women as doctors, hospital assistants, nurses and midwives. Women of India have also got the right of vote. Their cause was facilitated by the attitude of the Indian National Congress and its leaders like Mahatma Gandhi and Pandit Nehru.

With a view to saving the Indians from the attacks of Christian missionaries, the Arya Samaj, the Ramakrishna Mission, and other associations did much for the improvement of the lot of the depressed classes. In 1906 the Depressed Classes Mission Society of India was founded with the object of improving "the social as well as the spiritual conditions of the depressed classes, *viz.*, the Mahars the Chambars, Parhais, Namasudras, Dhedes, and other classes considered as untouchables in India by promoting education, providing work, remedying their social disabilities, preach to them principles of liberal religion, personal character and good citizenship." Mahatma Gandhi spent a lot of his time in improving the condition of the Harijans. His weekly paper *The Harijan* was devoted to this cause. The new Constitution of India has made untouchability an offence. The Government is also doing a lot for the backward classes by giving them special scholarships and other facilities.

Suggested Readings

Chaterjee, Ramanand : *Ram Mohan Roy and Modern India.*

Farquhar, J.N. : *Modern Religious Movements in India.*

Parekh, M.C. : *The Brahmo Samaj* (1929).

Ranade, M.G. : *Religious and Social Reform* (1902).

Sastri, Sivanath : *History of the Brahmo Samaj.*

Walter, H.A. : *The Ahmediya Movement* (1918).

CHAPTER XXXI

ANGLO-AFGHAN RELATIONS

Regarding the basis of British policy towards Afghanistan during the 19th century, Dr. Bisheshwar Prasad observes thus: "Controversy has raged on the possibility of a Russian invasion of India and opinion has been divided on the practicability of these routes for a modern army as well as on the military resources of Russia in Central Asia which she could hurl against India. Optimism has alternated with pessimism and sentiment and dogma have affected dispassionate and the factual analysis of this question. Some have magnified the difficulties of the lines of communication and taken shelter behind the illusionary complacence that Russian forces even if they succeeded in traversing the desolate gap between the two Empires by way of Herat, Farah and Kandhar, would have been so completely decimated by terrain and the hounding tribesmen that no more than a small rabble would be left to counter the mighty arm of the British on the Khyber Bolan line or the Indus river. Others have taken pain to show that the Herat-Kandhar-Bolan route is easily negotiable for wheeled traffic, the terrain is capable of railway construction and the Helmand Valley is a granary which can maintain a large force. They consider Herat as the main gate which once pierced, the flood of invasion would sweep unhindered and deluge the defences of India. With the construction of the Caspian railway from Krasnovodsk to Merv and extension to Kushk Post, and its connection with the Central Asian railway connecting Termez, the distance which divided the Afghan frontier from the Russian bases was eliminated. The danger to Herat on one side and the possibility of an approach on the Hindu-Kush on the other, whether towards Kabul or through Faizabad to Chitral came to be practical realities. In later years with the advance of science, the desert and the mountain could not remain impassable barriers as they were in early days. Thus a group of publicists and strategists have not without reason believed in the pregnability of the Indian frontiers through Afghanistan, more particularly by the Herat-Kandhar route. Similarly, as regards the Russian military potential, there have been conflicting views. Boulger in 1879 pointed out that while Russia could not release more than thirty thousand men from her bases in Tashkant-Feghana area, she could easily assemble a force of one hundred fifty thousand in her Trans-Caspian regions and maintain it on the Herat line. The problem was not so much of manpower as of maintenance of the forces on a long, inhospitable and possibly hostile line of communications. With the development of railways and roads and the exploitation of water transport, the difficulties were greatly resolved in the area up to the Oxus. Yet the problems of administration remained no less acute in Afghanistan, if she did not align herself with the invader.

Thus among the militarists in the nineteenth century two groups were formed, one exaggerating the difficulties of the route and thereby discounting the prospects of invasion, the other conveniently making light of them and for ulterior motives raising the ghost of Russian invasion. While the one, therefore, was prepared to make a stand on the Indus or the mountain ridge that divided India from Afghanistan on this side of the mighty passes, the other would advance to meet the enemy at the gate of Herat or beyond the Hindu-Kush in the plains of the Oxus. For one the defensible frontier was the Indus, while for the other the scientific frontier was the Hindu-Kush. This diversity of opinion arising out of the difference in their strategic outlook affected the whole course of diplomacy towards Afghanistan and influenced the policy of defence which hinged on the attitude of the Afghan rulers towards India. The practicability or otherwise of the rampart of the Hindu-Kush and the necessity of offering resistance to hostile forces at Herat have made Afghanistan an important factor in the defence of India.

"Whatever be the strategic line of resistance, it was essential that no hostile influence should preponderate in Kabul, for once the Russians were established there the base of operations would shift from beyond the Oxus to the neighbourhood of the frontier of India. Britain would then be compelled to maintain considerable forces in the North-West Frontier, financially a serious drain. Close vicinity of Russia was also dangerous for the political stability of their rule. All these considerations prompted the policy that the Afghan ruler should be friendly and amenable to British influence. From Bentinck to Curzon, every Governor General cherished the same policy but difference arose in the method of achieving it or in the extent of control to be exercised. Essential motive was the protection of Herat-Hindu-Kush frontier which one group desired to secure by leaving the Amir to himself while the other was prepared, if possible, to locate British military outposts, and construct roads, railways and telegraphs either by coaxing and subsidising the Amir or breaking him into submission. Two wars and considerable diplomacy were employed to secure this end." (*Mahamahopadhyay Prof. D. V. Potdar Commemoration Volume*, pp. 65-67).

As regards the relations of the Afghans with the Government of India, we may start with the successors of Ahmed Shah Abdali. His son Timur Mirza was a weak ruler. On his death in 1793, he was succeeded by his brother, Zaman Shah. Within 5 years, he was able to consolidate his position and reached the height of his power. From Lahore, he thought of repeating the exploits of his forefathers and penetrating into the heart of India. Although he had not much chance of success, the prospect of an invasion by Zaman Shah "kept the British Indian Empire in a chronic state of unrest." It is a matter of common knowledge that all the disgruntled elements in India invited Zaman Shah to attack India. No wonder, Lord Wellesley was asked "to keep a very watchful eye upon the motions of that Prince, whose talents, military force and pecuniary resources, afford him the means of being a formidable opponent." Lord Wellesley had to assemble a large army for the purpose of meeting a possible attack by King Zaman Shah. However, trouble arose between

Afghanistan and Persia and consequently the attention of Zaman Shah was diverted to that side. Ultimately, King Zaman Shah was overthrown, captured and blinded. Later, he managed to escape to Bokhara, Herat and finally to Ludhiana in the Punjab. He spent the rest of his life as a pensioner of the East India Company.

After Zaman Shah, Mahmud became the ruler of Afghanistan. He was merely a puppet in the hands of Fateh Khan. There was lawlessness in the country and after three years of rule, Mahmud was ousted by Shah Shuja.

Shah Shuja ruled from 1803 to 1809. He too had not a very comfortable time. According to Kaye, the resources of Shah Shuja "were limited, and his qualities were of too negative a character, to render him equal to the demands of such stirring times. He wanted vigour ; he wanted activity ; he wanted judgment ; and above all he wanted money." He committed the folly of annoying Fateh Khan and other Sardars. Sind was conquered in 1805 but troubles arose in his own country. Ultimately, he was defeated by Fateh Khan at a place near Gandmark. In 1809, Mahmud Shah was put on the throne once again. Shah Shuja retired to Ludhiana where he became a pensioner of the East India Company.

Although Mahmud Shah was put on the throne once again and he remained in power for 7 years (1809-16), he was a very weak ruler. He was merely a tool in the hands of Fateh Khan. He wished for power with reference only to the "sweats of life and the pleasures which it procured, leaving to others the cares of Government." Unfortunately, Mahmud Shah got Fateh Khan arrested, blinded and cut to pieces. This led to lawlessness in the country and it continued from 1818 to 1826.

In 1826, Dost Mohammad was able to seat himself on the throne of Kabul. He was a brave, religious minded and enterprising king. For 12 years (1826-1838), he ruled the country successfully. Shah Shuja tried to get back the throne in 1834 but Dost Mohammad was more than a match for him. Dost Mohammad lost Peshawar to the Sikhs, and in spite of his best efforts failed to get back the same.

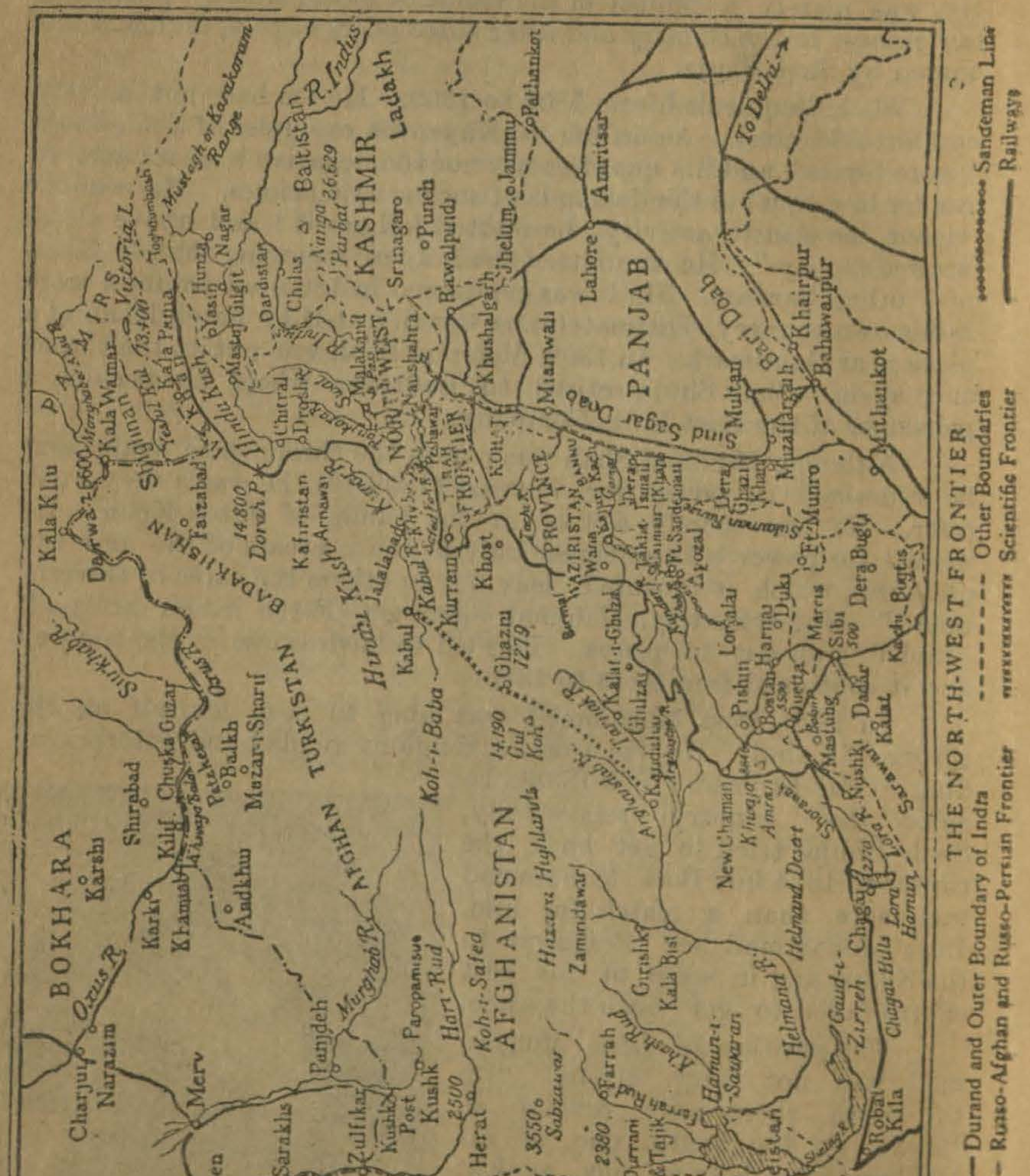


Dost Mohammad

The position of Dost Mohammad was not very strong. "On the north, there were revolts in Balkh ; on the south, one of his brothers was holding out against him at Kandhar ; on the east, he was harassed by Ranjit Singh at Peshawar, with Shah Shuja and the British Government in the background ; on the west there was Mahmud Shah and Kamran at Herat, with Persia plotting behind and Russia looking in the distance."

Dost Mohammad was willing to enter into an alliance with the English East India Company only if the British Government promised to recover for him Peshawar from Ranjit Singh and also not to help Shah Shuja against him.

The Afghan War I. At this time, a new development took place. Russia was trying to increase her influence in Central Asia.



THE NORTH-WEST FRONTIER

She commanded great influence on the King of Persia. Lord Palmerstone, the British Foreign Secretary, suffered from Russophobia. He was determined to check the spread of the power of Russia at any cost. Mohd. Mirza became the King of Persia. He was a great friend of the Russian Government. Consequently, the control of Russia

over Persia was enormous. On the instigation of the Russian Government, the Shah of Persia actually besieged Herat. However, through the efforts of Pottinger, the siege of Herat was lifted.

In 1836, Dost Mohammad sent a letter of congratulations to Lord Auckland when he came to India as Governor-General. He also asked for British help against Ranjit Singh. The straight reply of Auckland was that it was "not the practice of the British Government to interfere with the affairs of other independent States." Lord Palmerstone, the British Foreign Secretary, directed the Government of India to take all the necessary steps to check the growing strength of Russia. In June 1836, a Secret Committee of the Directors of the Company asked Lord Auckland "to judge as to what steps it may be proper and desirable for you to take to watch, more closely than as hitherto been attempted, the progress of events in Afghanistan and counteract the progress of Russian influence in a quarter which, from its proximity to our Indian possession could not fail, if it were once established, to act injuriously on the system of our Indian alliances, and possibly to interfere even with the tranquillity of our own territory. The mode of dealing with this very important question, whether by despatching a confidential agent to Dost Mohammad of Kabul merely to watch the progress of events, or to enter into relations with this chief, either of a political or merely, in the first instance, of a commercial character, we confide to your discretion, as well as the adoption of any other measures that may appear to you desirable in order to counteract Russian adventures in that quarter, should you be satisfied from the information received from your agents on the frontier, or hereafter from McNeil, on his arrival in Persia, that the time has arrived at which it would be right for you to interfere decidely in the affairs of Afghanistan. Such an interference would doubtless be requisite, either to prevent the extension of Persian domination in that quarter, or to raise a timely barrier against the impending encroachments of Russian influence."

Alexander Burnes, a great traveller and adventurer, was chosen by Lord Auckland to be sent to Kabul. Outwardly, it was declared that he was to start from the delta of the Indus and find out the potentialities of that river for purposes of navigation. He was directed to measure the breadth and depth of the river on the way. Burnes passed through the Punjab and Peshawar. When he reached Kabul, he was received well by Dost Mohammad. The latter asked him to recommend to his Government to help him in getting Peshawar from Maharaja Ranjit Singh. He also offered to enter into an agreement with the British Government if his wish regarding Peshawar was granted. Burnes communicated the views of Dost Mohammad to Lord Auckland and asked him to put pressure on Ranjit Singh to give up Peshawar to the Afghans. Burnes' own view was that Maharaja Ranjit Singh would not raise any serious objection to his surrender of Peshawar because the retention of the territory by Ranjit Singh beyond the Indus was proving to be a costly affair. Unfortunately, Lord Auckland, Macnaughten and Colvin refused to put any pressure on Maharaja Ranjit Singh. When the view of the Government of India became known to Dost Mohammad, his cor-

diality towards Burnes began to lessen and he welcomed the Russian agent Vikovitch, who was already in Kabul. Finding his mission a failure, Burnes left Kabul in April 1838.

The next step of Lord Auckland was that he entered into a tripartite Treaty with Maharaja Ranjit Singh and Shah Shuja in June 1838. This Treaty aimed at putting Shah Shuja on the throne of Kabul with the help of Sikh and British soldiers.

The army assembled at Ferozepore. As Maharaja Ranjit Singh refused to allow the British troops to pass through the Punjab, it was decided to let the troops pass through Bahawalpore, Sind, Baluchistan, and the Bolan and Khojak passes. According to Dr. V. A. Smith, 'The plan violated all the conditions of sound strategy and was that of a lunatic rather than of a sane statesman." The marching of the troops through Sind was a violation of the treaty of 1832 with the Amirs of Sind. Kandhar was occupied in April and Ghazni was occupied in July. In August 1839, Dost Mohammad left Kabul and soon after Shah Shuja entered the same. However, there was no enthusiasm among the people. According to Kaye, "It was more like a funeral procession than the entry of a king into the capital of his restored dominions." Dost Mohammad surrendered and he was sent to Calcutta as a prisoner.

At this time, many mistakes were committed. Lord Auckland appointed General Elphinstone as the Commander of the army in Kabul although the Commander-in Chief recommended General Nott. The Bala Hissar was a huge fort where the British troops were stationed previously but that was vacated for the harem of Shah Shuja. This unnecessarily exposed the British troops to the attacks of the Afghans. Shah Shuja also proved himself to be thoroughly unfit to win over the people of Afghanistan. He was most unpopular among the people of his country. The best course would have been to withdraw the troops from the country along with Shah Shuja. Lord Auckland was not prepared to admit his defeat openly. The unsatisfactory state of affairs was allowed to continue.

The people of Afghanistan suffered on account of rise in prices in the necessaries of life. According to Kaye, the double Government which had been established was becoming a curse to the whole nation.

There took place a revolt in Kabul. The mob took the law into its own hands and attacked and murdered Burnes. In spite of this, the British officers in Afghanistan did not intervene promptly and energetically. Mohammad Akbar Khan, the son of Dost Mohammad, became the leader of the Afghans. Negotiations were started with him but the Afghans demanded unconditional surrender. As time went on passing, the situation became more and more critical. Macnaughten tried to come to some settlement with Akbar Khan. He failed in his mission on account of crooked policy of Akbar Khan. Macnaughten was murdered. The British troops began to retire. They were about 16,000 men in all. Most of them lost their lives. "The retreat became a rout, the rout a massacre." Excepting 120 persons who were prisoners of war in the hands of Akbar Khan, only one other person called Dr. Brydon reached Jalalabad safe and sound.

When the news of the disaster in Afghanistan reached India and England, there was a demand for the recall of Lord Auckland. He was succeeded by Lord Ellenborough in February 1842. To begin with, he declared that the British Government would not endanger its armies and the Empire for the purpose of supporting the Tripartite treaty. Only that course would be adopted which was dictated by military considerations. The reputation of the British army was to be re-established by the infliction of some signal and decisive blow upon the Afghans. When he got the news of the defeat of General Elphinstone and the surrender of Ghazni by Palmer, he issued orders for the evacuation of Kabul and Kandhar. Many military officers protested against the orders of Lord Ellenborough. The latter was able to maintain an empty show of consistency and also satisfy the universal demand for the decisive reconquest of Kabul and the recovery of the prisoners as a preliminary to withdrawal.

Pollock won a decisive victory over Akbar Khan near the Pass of Khurd Kabul. He entered Kabul and hoisted the British Flag at the Fort of Bala Hissar. Nott also joined him. In order to avenge the wrongs done to the Englishmen, the British army blew up the great Bazar of Kabul with the help of gunpowder. After that, the British forces left Afghanistan.

In October 1842, Lord Ellenborough made the following declaration : "The Governor-General will willingly recognise any Government approved by the Afghans themselves which shall appear desirous and capable of maintaining friendly relations with neighbouring States. Content with the limits nature appears to have assigned to its Empire, the Government of India will devote all its efforts to the establishment and maintenance of general peace, to the protection of the sovereigns, and chiefs, its allies and the prosperity and happiness of its own faithful subjects."

Dost Mohammad was released from Calcutta and allowed to go to Kabul. He remained on the throne of Kabul till 1863.

Criticism of the Afghan War I. (1) The first Afghan War was a complete failure. Although 20,000 lives were sacrificed and 15 million sterling were spent, neither the Government of India nor the British Government gained anything. The same Dost Mohammad was restored to the throne of Kabul after the war. It was felt that there was no alternative to that. The Government of India did not maintain its control on any part of the territory of Afghanistan. The boast of Lord Ellenborough was that the victorious English army brought to India from Ghazni those gates of Somnath which were taken away by Mahmud of Ghazni during the 11th century. He claimed that "the insult of 800 years is at last avenged." According to Kaye, the proclamation "was past all denial. It was a folly too of the most senseless kind for it was calculated to please none and to offend many." While the Hindus did not care for the gates which were found not to be genuine, the feelings of the Muslims of India were injured.

(2) Kaye has made the following observations on the failure of the First Afghan War : "No failure so total and so overwhelming as

this is recorded in the pages of history. No lesson so grand and impressive is to be found in all the annals of the world. It is upon record that this calamitous war cost the natives of India whose stewards we are, some 15 millions of money. All this enormous burden fell upon the revenue of India, and the country for long years afterwards groaned under the weight." The British Government failed to have a friendly power on its borders. After an enormous waste of money and loss of human blood, the Englishmen left "every town and village of Afghanistan bristling with their enemies."

(3) According to Trotter, the utter collapse of Auckland's "policy baneful, lawless and blundering as it was sprung mainly from the choice of generals ill-fitted for their work. Macnaughten's cheery trustfulness, Elphinstone's bodily and mental decay, Shelton's stupid wilfulness, chronic dissensions between civil and military powers, Sale's withholding of timely succour, all conspired with Lord Auckland's half-measures and ill-timed economies to work out the dramatic nemesis of an enterprise begun in folly and wrong doing." According to Kaye, the English policy in Afghanistan was unrighteous and "the wisdom of our statesmen is but foolishness, and the might of our armies is but weakness, sitting heavily upon an unholy cause.

(4) Critics point out that there was no justification for Lord Auckland to send the British armies to Afghanistan in November 1838. The British objection was to the siege of Herat by the Persians aided by the Russians. However, the siege was raised in September 1838. After the withdrawal of the Persian troops from Herat, there was absolutely no justification for British intervention in Afghanistan.

(5) It is also pointed out that as an independent ruler of Afghans, Dost Mohammad had every right to enter into an alliance, with Russia. The British Government had no right to protest against it. More ver, the Russian agent was recalled from Kabul under pressure from the British Government. When all this was accomplished before the beginning of war Lord Auckland must explain as to why he started it.

(6) We have it on the authority of Alexander Burnes and others that Dost Mohammad was a capable ruler. Shah Shuja did not stand any comparison with him. It was folly on the part of Lord Auckland to decide to put Shah Shuja on the throne of Kabul in place of Dost Mohammad.

(7) According to Kaye, Lord Auckland sent his troops to Afghanistan "in defence of every consideration of political and military expediency ; and there were those who, arguing the matter on higher grounds than those of mere expediency, pronounced the certainty of its failure because there was a canker of injustice at the core. It was, indeed, an experiment on the forbearance alike of God and of man ; and, therefore, though it might dawn in success it was sure to set in failure and disgrace. Great men like Duke of Wellington, Lord Wellesley, Sir Charles Matcalfe and others predicted the failure of the policy of Lord Auckland." According to the Duke

of Wellington, "The consequence of crossing the Indus, once to settle a Government in Afghanistan, will be perennial march into that country." According to Innes, the First Afghan War was probably "the most unqualified blunder committed in the whole history of the British in India."

(8) According to Dr. V.A. Smith, "Lord Auckland had not the sense to see the truth and was led away by ill-chosen and unwise advisers to break treaties only six years' old, to bully the weak ; to pursue a fantastic policy ; to persist in that policy when the reasons for it, such as they were, had ceased to exist ; to violate the principle of strategy ; to throw thousands of lives by entrusting them to an incapable commander ; and finally at last to acquiesce silently in the garbling of the documents submitted for the information of Parliament."

(9) It is pointed out that the British Government had no right to pass their troops through Sind. Not only the British troops passed through Sind, that territory was also made the base of operations. It was this act which facilitated the annexation of Sind in the time of Lord Ellenborough.

Lord Lawrence's Policy of Masterly Inactivity. The Government of India maintained friendly relations with Dost Mohammad from the time of his restoration to that of his death in 1863. When he died he left 16 sons and as usual, a war of succession started among them and there was anarchy in the country. Sher Ali had been chosen by Dost Mohammad as his successor and he asked the Government of India to help him against the other rivals, particularly Mohammad Afzal and Mohammad Azim Khan. It is true that Lawrence recognised Sher Ali as the ruler of Kabul, but he refused to meddle with the internal affairs of his Afghan neighbours. Lawrence remembered how earnestly in 1857 Dost Mohammad had requested him never to take part in the strife which would certainly break out among his sons, and let them fight it out by themselves and then acknowledge the winner as king.

The sympathies of the Viceroy were with Sher Ali, but to support him with arms and money would have been a costly and perilous mistake. It would have turned against Sher Ali the bulk of his best followers. It would have drawn the British into entanglements fatal to the financial well-being of India. It would have given Russia a decent pretext for meddling into Afghan affairs. John Lawrence knew the Afghans better than most men and better, indeed, than any other Englishman of his day. He saw that strict neutrality was the best way to secure the confidence and good-will of the Afghan nation. He respected the treaty of 1855 which bound the Englishmen to respect the Afghan territories and never to interfere into them. Lawrence rebuked his Vakil at Kabul for making overtures of friendship with Azim Khan. When Afzal Khan became the master of Kabul, Lawrence refused to acknowledge him as the ruler of Herat and Kandhar. Lawrence wrote thus to Afzal Khan : "If your Highness is able to consolidate your Highness's power in Kabul, and is sincerely desirous of being a friend and ally of the British Government, I shall be ready to accept your Highness as

such : but I cannot break the existing engagements with Amir Sher Ali Khan."

In his letters to the Home Government, Lawrence wrote again and again that he was determined to follow the policy explained above. His policy was that of ' friendship towards the actual rulers combined with rigid abstention from interference in domestic feuds. By this means, we shall be enabled to maintain our influence in Afghanistan far more effectually than any advance of our troops—a contingency which could only be contemplated in the last resort, which would unite as one man the Afghan tribes against us, and which would paralyse our finances."

The fortunes of Sher Ali changed by 1868. Afzal Khan died in 1867 and Azim Khan, his successor, became a fugitive. In the eyes of the people of Afghanistan, Sher Ali became the rightful sovereign on account of his victories. Lawrence also changed his attitude towards him. He not only congratulated him on his victory, but also offered to help him to maintain the bonds of amity and goodwill. As far as possible, those bonds were also to be strengthened. A large number of muskets were handed over to Sher Ali. Lawrence informed Sher Ali that another sum of Rs. 6 lakhs would be offered to him as a token of the British desire to see "a strong, a just and a merciful Government established throughout Afghanistan." Lawrence merely wanted "abiding confidence, sincerity and goodwill." He secured the permission of the Home Government to meet Sher Ali in person. However, Sher Ali and Lawrence could not meet as the latter left India a few months earlier than the arrival of the former in India.

According to Lawrence, "The Afghan is courageous, hardy, and independent, the country he lives in is strong and sterile in a remarkable degree, extraordinarily adapted for guerilla warfare ; these people will never cease to resist so long as they have a hope of success, and, when beaten down they have that kind of elasticity which will ever lead them to renew the struggle whenever opportunity of so doing may occur. If we enter Afghanistan, whether it be to punish the people for the alleged faults of their chiefs or to rectify our frontier, they will assuredly do all in their power to resist us. We want them as friends and not as enemies. In the latter category, they are extremely dangerous to us." Again, "So far as diplomacy and diplomacy alone is concerned, we should do all in our power to induce the Afghans to side with us. We ought not, in my mind, to make an offensive and defensive treaty with them—this had been for many years their desire ; but the argument against it is that if we made such a treaty, we should be bound to restrain them from any attacks on their neighbours and to prevent such assaults on them, while it would be next to impossible for us to ascertain the merits of such complaints. We should thus constantly find overselves in a position to please neither party and even bound to defend causes for which the Afghans were to blame."

Under the strong sway of Lawrence, the Firebrand Party had no chances of success. They might cry aloud, but no heed was given to them. Some of these important persons were Sir Bartle Frere

and Sir Henry Rawlinson. Lawrence put aside all proposals for a forward policy in Kilat or Afghanistan as useless for the purpose of counteracting Russia and dangerous to the well-being of India herself. With the strongest natural frontier in the world, bordered by deserts and rugged hills, with the sea at Bombay and Karachi for bases, with a powerful army well-equipped in every way and ready to move by rail or road to any place, with a people well-governed, lightly taxed and generally contented, Lawrence knew that the Englishmen could afford to wait before the danger appeared from the north-west.

As regards the advance to Quetta Lawrence regarded it as a gross military blunder no less than a wanton menace to Afghanistan. When the Russians occupied Bokhara and other places in Central Asia, Lawrence kept his head cool and refused to find any danger in the latest advance of Russia. His view was that the true danger to the British rule in India lay nowhere across the frontier, but in India itself. According to him, a Russian invasion of India was not more likely and a good deal less feasible than a French invasion of England.

In January 1869, Lawrence wrote thus : "We object to any active interference in the affairs of Afghanistan by the deputation of a high British officer with or without a contingent or by the forcible or amicable occupation of any post or tract in that country beyond our own frontier, inasmuch as we think such a measure would under present circumstances, engender irritation, defiance, and hatred in the minds of the Afghans, without in the least strengthening our power either for attack or defence. We think it impolitic and unwise to decrease any of the difficulties which would be entailed on Russia, if that power seriously thought of invading India as we should certainly decrease them if we left our own frontier and met her halfway in a different country, and possibly in the midst of a hostile or exasperated population. We foresee no limits to the extent which such a move might require, and we protest against the necessity of having to impose additional taxation on the people of India, who are unwilling, as it is, to bear such pressure for measures which they can both understand and appreciate. And we think that the objects which we have at heart may be attained by an attitude of readiness and firmness on our frontier, and by giving her all our care and expanding all our resources for the attainment of practical and sound ends, over which we can exercise an effective and immediate control."

Lawrence also made suggestions for the adoption of certain positive measures for the defence of the British Empire in India. He advocated a careful husbanding of all those resources, both moral and material, which would enable the Englishmen to meet a storm from within or without. He was also in favour of arriving at a clear and friendly understanding with Russia for the purpose of counteracting rumours and preventing the unnecessary alarms. He wanted the Russian Government to be told in firm but courteous language that it must not interfere into the affairs of Afghanistan or any other State on the frontier of India.

Lawrence was thoroughly convinced that the Afghans would be the enemies of those who interfered and friends of those who would not interfere except when they were attacked by an outsider. If such a policy were followed, the Afghans would offer a deadly opposition to a Russian advance. They might be tempted to join the Russians on the promise of sharing in the plunder of India. He believed the Afghans to be unwilling recipients of Russian messages. He would remonstrate directly with Russia himself and would like her to see that behind the remonstrances were iron clads and battalions.

If the general war were to break out and if Russia not having been stopped by British counter-operations in Europe, were to advance towards India, then on no account would he met her in Afghanistan. That would be tantamount to wasting their resources in men and playing into the hands of the enemy. The Afghans would be bitterly hostile to such advance even though cowed with momentary submission. In that case, he would help them with money and material not men. Thus strengthened, they might hamper movements or retard the advance of the Russians. If the God of battles steels the hearts of British soldiers, the Russian invasion is to be repelled decisively. Such was the substance of Lawrence's Afghan policy. His policy was once described br Willie in the "Edinborough Review" as that of "masterly inactivity." This expression has both truth and untruth in it.

As regards the Russo-Afghan question, Lawrence wrote thus in January 1869: "Should a foreign power, such as Russia, ever seriously think of invading India from without, or what is more probable of stirring up the elements of disaffection or anarchy within it, our true policy, our strongest security, would then, we conceive, be found to lie in previous absence from entanglements at either Kabul, Kandhar, or any similar outpost; in full reliance on a compact, highly equipped and disciplined army stationed within our own territories, or on our own border, in the contentment, if not in the attachment of the masses; in the contentment, if not in the sense of security of title of possession, with which our whole policy is gradually imbuing the mind of the principal chiefs and the native aristocracy; in the construction of material works within British India which enhance the comfort of the people while they add to our political and military strength; in husbanding our finances and consolidating and multiplying our resources, in quiet preparation for all contingencies which no honest Indian statesman should disregard."

The question as to when it is right or prudent to recognize a *de facto* Government must depend upon the circumstances of each case. Moral recognition with a denial of material support can be of little value in the contest for a throne like that of Afghanistan. British recognition of Sher Ali did not prevent him from losing his kingdom. Although the Government of India recognised. Azim Khan, that could not keep him on the throne of Kabul. To have intervened with material help, to maintain upon the throne a ruler not acknowleged by his people, was a dangerous policy forbidden by the provisions of the existing treaties.

It is to be noted that Lawrence's policy towards Afghanistan was continued by his successors, Lord Mayo and Lord Northbrook. When the same was reversed by Lord Lytton, disastrous consequences followed. Lord Mayo wrote to Lawrence in these words : "I believe that when you sent Sher Ali the money and arms last December, you laid the foundation of a policy which will be of the greatest use to us hereafter. I wish to continue it." Lord Northbrook preferred to resign rather than follow a different policy towards Afghanistan.

Lord Mayo (1869-72). It has already been pointed out that Lord Lawrence had got the permission of the Home Government to have a meeting with Sher Ali. However, he could not meet the Amir because he left India earlier than the Amir could manage to visit this country. The meeting planned by Lawrence took place at Ambala in March 1869 when Sher Ali and Lord Mayo met together. At the meeting, Sher Ali asked for a definite treaty between the countries. He asked for a fixed annual subsidy, assistance in arms, recognition of his younger son, Abdulla Jan as heir to the throne in place of Yakub Khan and an assurance that the British Government would support him and his family on the Kabul throne. Lord Mayo found that it was not possible for him to oblige the Amir. He was determined to adhere to the policy of Lawrence regarding Afghanistan. Lord Mayo made it clear to Sher Ali that "under no circumstances would a British soldier ever cross his frontier to assist in coercing his rebellious subjects ; that no European officers would be placed as residents in his cities ; that no fixed subsidy or money allowance would be given for any named period ; and that no treaty would be entered into obliging us under any circumstances to recognise him and his descendant rulers of Afghanistan." However, Lord Mayo promised to render Sher Ali "all the moral support in his power, to supply him at need with money, arms, ammunition and native workmen, and to correspond freely with him through the Commissioner of Peshawar and our native agents in Afghanistan." On his part, Sher Ali undertook to do what he could do to comply with the wishes of the British Government on matters connected with trade. In spite of this, Sher Ali returned to Kabul with the conviction that he had nothing to fear and much to gain from the moral support of his English friends.



Sher Ali

Lord Northbrook (1872-76). It is pointed out that the Afghan policy of Lord Northbrook was more masterly than that of Lawrence. In March 1874 Disraeli became the Prime Minister of England and Salisbury the Secretary of State for India. Both were

in favour of having a British resident at Kabul. Lord Northbrook preferred to resign than submit to that. Lord Northbrook also maintained friendly relations with the Amir. He asked the permission of the Secretary of State for India to give help to Sher Ali in the form of money and war materials.

Lord Lytton. When Lord Lytton was sent to India by the Conservative Government at home, he brought instructions for a more definite, equilateral and practical alliance with Sher Ali. He was given the authority to offer the Amir most of the terms he had asked for before. His younger son was to be recognised. Lytton was also allowed to give a written pledge by way of treaty or otherwise of British support in case of a foreign aggression. However, those terms were to be granted to Sher Ali only if he agreed to keep a British resident at Herat.

The Amir was asked to receive a mission which was to announce the title of 'Empress of India." Sher Ali refused to do so. Moreover, Sher Ali could not give any assurance.

Lytton held the view that between great Britain and Russia, Afghanistan was like "an earthen pipkin between two iron pots." If the Amir remained a friend of Great Britain, by military strength of the latter "could be spread around him as a ring of iron, and if he became our enemy, it could break him as a reed." Lord Lytton was also in favour of the disintegration of Afghanistan so that that country might never become a strong power.

Disraeli was a great imperialist and Lord Lytton carried ont his policy with regard to Afghanistan.

In June 1878 when the Congress of Berlin met, General Stoletoff started for Kabul. Sher Ali tried to stop him. He appealed and protested but both of them were ignored. The Czar of Russia threatened to make Sher Ali responsible if anything wrong went with the General. Sher Ali had to submit much againt his own wishes. He was forced to enter into a treaty with Russia by which he agreed to maintain parmanent and perpetual friendship between the two countries. When Lord Lytton came to know of the arrival of a Russian mission in Kabul, he asked Sher Ali to accept a British Envoy also but Sher Ali refused to accept that demand. Although the Russian Envoy retired from Kabul under orders from his own Government, Lord Lytton failed to take advantage of the change in the situation. Both Lytton and Salisbury insisted that Sher Ali must have a British resident. According to Lord Lytton, "A tool in the hands of Russia, I will never allow him to become. Such a tool it would be my duty to break before it could be used."

If we examine the matter critically, it has to be admitted that Sher Ali was the ruler of an independent country and, therefore, he was not bound to accept a British resident. The British Government had no justification to insist on such a course. In spite of all this, Lytton insisted that Sher Ali must receive a British Envoy. The letter of Lord Lytton reached Kabul on 17th August 1878 when Abdulla Jan died Sher Ali was so very unhappy that the reply to Lord Lytton's letter was delayed. Moreover, the Amir consulted

the Russian Envoy who was at that time in Kabul. All this annoyed Lytton. He sent Sir Neville Chamberlain on a mission to Peshawar but the latter was not allowed to go beyond Ali Masjid. This was too much for the Government of Lord Lytton. An ultimatum was sent to the Amir in November 1878 demanding from him a full and suitable apology and his approval to accept a British Envoy. As no reply came, the British forces were ordered to enter the territory of Afghanistan after the expiry of the ultimatum.

When his country was attacked, Sher Ali asked the Russian Government to help him. Unfortunately, he was betrayed by the Russian Government at that time. Finding himself helpless Sher All run away and died in February 1879. His son started negotiations with the British Government and concluded the famous *Trea.y of Gandmak* in May 1879. Yakub Khan agreed to conduct his foreign relations with cther States in accordance with the advice and wishes of the British Government. He was to accept a permanent resident at Kabul. He was to assign the Kurram Pass to the British Government. On their part, the British Government promised to support him on the throne and also help him with men, money and materials. The British troops, were to be withdrawn from Afghanistan According to P. E Roberts, this treaty marked the apogee of Lytton,s Afghan policy. According to Disraeli, the treaty gave a scientific and adequate frontier to the Government of India. However, this success was shortlived.

The people of Afghanistan could not tolerate the presence of a British resident at Kabul and an agent at Herat. Yakub's dependence on the British Government lowered him in the estimation of his countrymen. The new Amir was shifty, unstable and lacking in character. Major Cavagnari was not fit for the job given to him as the British resident. He was not the person who could handle a delicate situation. The result was that within less than a month and a half of his arrival in Kabul, Major Cavagnari was murdered by the Afghan troops. It is not possible to say as to how much Yakub was implicated in this matter but with the murder of Cavagnari ended the treaty of Gandmak. British forces were rushed into Afghanistan. The Afghans were defeated at Charasiab in October 1879. Yakub was sent to India as a State prisoner. The British Government decided to disintegrate Afghanistan.

However, at this stage Abdur Rahman appeared on the scene. He was one of the grandsons of Dost Mohammed, and had lived for many years as a pensioner of the Russian Government. In 1880 he thought of trying his luck and left for Afghanistan. Without wasting any time, Lytton decided to recognise Abdur Rahman as the Amir of Afghanistan, but before he could do that he was called back in 1880 on account of a change of Government at home.

Lord Ripon recognised Abdur Rahman as the Amir of Afghanistan on the condition that he was to have no political relations with any foreign power except England, and that the districts of Pishin and Sibi were to be retained by the British Government The Amir was to get an annual subsidy from the Government of India. As the foreign affairs of Afghanistan were to be in the hands of the

Government of India, it was not found necessary to insist on establishing a British resident at Kabul. This settlement lasted for a long time. The British Government maintained the happiest relations with Afghanistan throughout the long reign of Abdur Rahman. When Ayyub Khan challenged the authority of Abdur Rahman, he was defeated at Maiwand and Kandhar. All British troops were withdrawn from Afghanistan by Lord Ripon.

Criticism of the Second Afghan War. Lord Lytton has been condemned for his policy towards Afghanistan which resulted in the disasters of the Second Afghan War. According to some, it was a war of aggression which failed to achieve its object. According to Lord Hartington, Lytton was "the incarnation and embodiment of an Indian policy which is everything an Indian should not be." Gladstone condemned Lord Lytton's policy in these words: "We made war in error upon Afghanistan in 1838. To err is human and pardonable. But we have erred a second time on the same ground and with no better justification. This error has been repeated in the face of every warning conceivable and imaginable and in the face of an unequalled mass of authorities. It is proverbially said that history repeats itself, and there has rarely been an occasion in which there has been a nearer approach to identity than in the case of the present and former war. May Heaven avert the omen. May Heaven avert repetition of the calamity which befell our country in 1841."

Although Disraeli and Salisbury supported Lord Lytton in public, they did not approve of his sending Chamberlain. According to Disraeli, Lytton's policy "is perfectly fitted to a state of affairs in which Russia was our assailant; but Russia is not our assailant. She has sneaked out of her hostile position, with sincerity in my mind but scarcely with dignity, and if Lytton had only been quiet and obeyed my orders, I have no doubt that under the advice of Russia, Sher Ali would have been equally prudent."

According to Lord Salisbury, Lytton forced the hands of the Home Government from the very beginning. He thought only of India and dictated the foreign policy of the British Government in Europe and Turkey. He twice disobeyed orders, once in acting on the Khyber Pass and *secondly* in sending the mission contrary to the most express and repeated orders that he was not to do so till the British Government got an expected dispatch from Russia. Salisbury bitterly complained of the conduct of Lytton. According to Disraeli, Lytton was "told to wait until we had received an answer from Russia to our remonstrance. I was very strong on this, having good reasons for my opinion. He disobeyed us. I was assured by Lord Salisbury that under no circumstances was the Khyber Pass to be attempted. Nothing would have induced me to consent to such a step. He was told to send the mission by Kandhar. He has sent it by the Khyber."

Whatever the criticism of the Second Afghan War, it cannot be maintained that the war was absolutely without any result. Sher Ali who was inclined towards Russia was turned out and in his place was seated Abdur Rahman who was friendly inclined towards the Government of India. The influence of Russia at Kabul was checked.

The Khan of Kelat came under the control of the British Government. The Province of Baluchistan was created. Quetta also remained in the hands of the British Government.

In 1884, the Russians occupied Merv. This was not liked by the British Government. In March 1885, there took place the famous *Panjdeh incident.* There was a clash between Russian and Afghan troops. There was an immediate danger of a war. However, the situation was saved by the efforts of Lord Dufferin, the Viceroy of India. Abdur Rahman also behaved in a restrained manner. To begin with, Gladstone described the Russian attack on Panjdeh as an unprovoked aggression. He called up the reserves and ordered military preparation. However, he agreed to refer the matter to the arbitration of King of Denmark. The result was that the war was averted. The Russians retained Panjdeh but Amir Abdur Rahman got Sul Faqir pass. The boundary line between Russia and Afghanistan was settled later on and ratified in July 1887.

In 1901, Abdur Rahman died and he was succeeded by Habib Ullah. For some time, the relations between the Government of India and the new Amir were not cordial. However, in March 1905, the misunderstanding was removed and the Amir began to draw his subsidy. The Amir was suspected of leanings towards Russia. In 1907 was made the famous Anglo-Russian Convention. Russia recognised that Afghanistan was not within the sphere of her influence. Russia also agreed to conduct her relations with Afghanistan through the Government of India. However, these provisions were not ratified by the Amir. In 1910, Habib Ullah was murdered. His people did not approve of his policy in westernizing his countrymen.

His son Aman Ullah was not friendly inclined towards the British Government. This led to the Third Afghan War. Aman Ullah entered the British territory and his troops began to destroy whatever came in their way. Although there were defeats in the beginning, the Indian army succeeded in beating back the invaders. With the treaty of Rawalpindi ended the Third Afghan War. This treaty was signed in August 1919. Another treaty was made in November 1921. The net result of these two treaties was that Afghanistan became completely free in her foreign affairs. The British Government was not to pay any subsidy to Afghanistan. In 1922, an Afghanistan Minister was appointed in London and a British Minister at Kabul.

The people of Afghanistan resented the reforms of Aman Ullah and consequently he was forced to abdicate. Power fell into the hands of Bachha Sakka for some time. However, order was restored by Mohd. Nadir Shah who became the King of Afghanistan. The Government of India did not interfere into the internal affairs of Afghanistan whenever there was trouble in that country.

Suggested Readings

ADYE, J.M. : *Indian Frontier Policy* (1897).

AMIR ABDUR RAHMAN : *Autobiography*.

ANDREWS, C.F. : *Our Scientific Frontier*.

BELLOW, H.W. : *North-West-Frontier and Afghanistan.*

BRUCE, R.I. : *The Foreward Policy and its Results* (1900).

DAVIES : *The Problem of the North-West Frontier* (1932).

DURAND : *The First Afghan War and its Causes* (1879).

HANNA, H.B. : *The Second Afghan War.*

HAVELOCK, H. : *Narrative of the War in Afghanistan* (1840).

KAYE, J.W. : *History of the War in Afghanistan.*

WHEELER, S. : *The Ameer Abdur Rahman* (1895).

WYLLIE, J.W.S. : *Essays on the External Policy of India* (1875).

CHAPTER XXXII

THE INDIAN STATES

Sir William Lee-Warner, in his famous book called "The Native-States of India," pointed out three epochs in British relations with the Indian States till the introduction of the Reforms of 1919. During the first period, the English East India Company followed the "policy of the ring-fence" and this period lasted from 1757 to 1813. They second period lasted from 1813 to 1858 and was called by him by the name of "Subordinate Isolation." The third period extended from 1858 to 1919 and was designated by him as the period of "Subordinate Union."

(1) Ring Fence Policy (1757-1813). According to Lee-Warner, during this period "The British endeavoured as far as possible to live within a Ring-Fence, and beyond that they avoided intercourse with the chiefs." The English East India Company at that time was not very strong. It was not in a position to interfere into the internal affairs of the Indian States. The Company had neither the strength nor the resources to defeat the Indian States. It was only one of the important powers in India. The other powers were the Marathas, the French, the Nizam, and the Sultan of Mysore. The result of this situation was that whenever the Company entered into any treaty with an Indian State, it did so on the basis of equality and reciprocity.

On the whole, the Company followed a policy of non-intervention in the affairs of the States. It was laid down in Pitt's India Act of 1784 that the Home Government did not approve of the intervention of her officers in India into the internal affairs of the Indian States. However, it cannot be denied that on certain occasions the Company had to interfere in the affairs of the Indian States. Thus, Warren Hastings fought the First Maratha War and the Second Mysore War. Likewise, Lord Cornwallis fought the Third Mysore War and annexed half of its territory. Lord Wellesley had to fight the Fourth Mysore War and the Second Maratha War. He also made Hyderabad and Oudh enter into subsidiary allicnces with the Company. Lord Minto made the treaty of Amritsar in 1809 with Maharaja Ranjit Singh, and granted protection to the Cis-Sutlej States whose very existence was being threatened by Ranjit Singh.

About this period, Lee-Warner says : "When the events of these 56 busy years are called to mind, the palpable anxiety of the Company to end both annexation and alliances stands out in the clearest relief. There is the battle of Buxar in 1764 when Oudh lay at the feet of Major Munro, but was not annexed ; the Rohilla War after which Warren Hastings conquered and conferred territories on the Wazir of Oudh ; the First Maratha War which closed in the restitution of Bassein and the restoration of the *status quo* by the treaty of

Salbai (1782); and finally four Mysore Wars...from which the Allies of the British derived the main advantage whilst the former Hindu dynasty of Mysore was gratuitously raised from the ashes of Hyder Ali's and Tippo's dominions."

About this period, Panikkar points out two things in particular regarding the relations of the English Company with the Indian States. In the first place, "all the treaties, except that with Mysore, are negotiated on a basis of equality. The Company did not claim any paramountcy or imperial authority and the treaties themselves merely show that at least in the case of those States which were not conquered, there was a spirit of reciprocity." *Secondly*, "each of these treaties guarantees in a most solemn manner the absolute authority of the ruler over his subjects and most unequivocally repudiates any claim to intervene in the affairs of the State." (*The Evolution of British Policy towards Indian States*, 1774-1858).

(2) **Policy of Subordinate Isolation** (1813-1858). During this period, the Company made all the Indian States subordinate to itself by making them enter into subsidiary alliances with itself. The Indian States were made to accept the Company as the paramount power in the country. They were to give either money or enough of territory so that the Company might be able to keep a contingent force either in the State itself or outside the State for its protection. The State joining the subsidiary alliance had to turn out all the non English and European employees from its service. It was not to conduct any foreign relations except through the British Government. In all its disputes with other powers, the State was to recognise the British Government as the arbitrator. The British Government, in return for the above, was to guarantee the territorial integrity of the State.

Writing about the subsidiary system, Sir Thomas Munro remarked that "it is the natural tendency to render the Government of every country in which it exists weak and oppressive, to extinguish all honourable spirits among the higher grades of society, to degrade and impoverish the whole people." The *London Times* wrote thus in 1853: "It has been said that we give these Princes without responsibility. Our hand of iron maintains them on the throne despite their imbecility, their vices and their crimes. The result is chronic anarchy under which the revenues of the court are dissipated between mercenaries of the camp and the minions of the court. The theory seems in fact admitted that the Government is not for the people, but the people for the King and that so long as we secure from the King his sinecure loyalty, we discharge all the duty that we as sovereigns of India owe to his subjects who are virtually ours."

Lord Hastings brought into the subsidiary system 145 States in Central India, 145 States in Kathiawar and 20 in Rajputana. He enunciated a policy of complete subordination and isolation, but he was against the annexation of the Indian States. His successors did not share his views and annexed Sind, the Punjab, Oudh, and other minor States. The opinion of Lord Dalhousie was that Lord Hastings was wrong in propping up minor principalities and the only

way of preventing mis-rule in the States was to annex them. He evolved the theory of constructive feudalism and enunciated the doctrine of lapse and escheat by which he annexed Satara, Nagpur, Tanjore, Jaipur, and Jhansi.

The *doctrine of lapse* implied that on the failure of the natural heirs, the sovereignty of the independent States, of those created by the British Government or held on a subordinate tenure, lapsed to the Paramount Power. The British Government did not acknowledge the right of those States to adopt heirs, although such a practice had existed for a long time. However, the doctrine of lapse did not apply to "protected allies" Referring to the abuses in the administration of some of the Indian States, Lord Dalhousie declared that "the British Government in the exercise of a wise and sound policy is bound not to put aside or neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves whether they arise from the lapse of subordinate States by the failure of all heirs of every description whatsoever, or from the failure of heirs natural where succession can be sustained only by the sanction of the Government being given to the ceremony of adoption, according to Hindu law. The Government is bound, in duty as well as policy, to act on every such occasion with the purest integrity, and in the most scrupulous observance of good faith. Whenever even a shadow of doubt can be shown, the claim should at once be abandoned."

According to G.N. Singh, the two policies of annexation and subsidiary alliances must share the blame to a large extent for the Mutiny of 1857.

Regarding the second period, Colonel Luard says: "This period is by far the most important in the history of the relationship of the States to the British Government. It witnessed their metamorphosis from a congeries of quasi-independent units, some openly hostile, most at heart antagonistic, and all doubtful and resentful ..... step by step sorely against its will the Company had been driven by inexorable fate, to abandon its policy of Ring Fence and non-interference, and so pass through the system of subordinate alliance to the wise and generous policy of cooperative partnership which holds at the present day." (*Cambridge History of India*, Vol. V.)

(3) Policy of Subordinate Union. The Mutiny was a turning point in the history of the relations of the Government of India with the Indian States. It was admitted on all hands that one of the important causes of the Mutiny was Dalhousie's policy of wholesale annexation of the Indian States on one pretext or the other. In order to remedy the state of affairs, it was considered necessary to make a change in the policy of the Government of India with regard to the Indian States. Consequently, it was declared in the Queen's Proclamation of 1858 that the British Government in future would not annex the Indian States. ' We hereby announce to the Native Princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company

are by us accepted and will be scrupulously maintained, and we look for the like observance on their part We desire no extension of our present territorial possessions. We shall respect the Rights, Dignity and Honour of the Native Princes as our own. The Indian rulers were to be given the right of adoption in case they had no son to succeed them. No State was to be annexed on the ground that the ruler had no son. The Indian States were to be given Sanads and we are told that 160 Sanads were issued to the Indian rulers. They were assured that no harm would be done to them "so long as your House is loyal to the Crown and faithful to the conditions of the treaties, grants and engagements which record its application to the British Government." But before granting Sanads, Lord Canning made it clear that the Sanads "will not debar the Government of India from stepping in to set right such serious abuses in a native Government as may threaten any part of the country with anarchy or disturbance, nor from assuming temporary charge of a native State when there will be sufficient reason to do so ......Neither will this assurance diminish our right to visit a State with the highest penalties, even confiscation, in the event of disloyalty, or flagrant breach of engagement." In the words of Prof. Dodwell, "The significance of these Sanads was that the States were to be perpetuated as an integral part of the Indian system. They were no longer mere transitory Governments awaiting political chances which would permit and justify their gradual extinction. The princes were no longer looked upon as rulers driven by force into an unequal alliance. They had become members of the Empire, and the new position was accepted not unwillingly." (*Cambridge History of India*, Vol. VI.) It was declared that the treaties which had been made by the Company with the Indian States were to continue.

The Mutiny had embittered the relations of the Government of India with the people of India. The Britishers were not prepared to forget the cold-blooded murders of the Europeans during the Mutiny days and the same was equally true of the Indians. Under the circumstances, the British Government in India looked to some allies in the country against the people of India. This they could find among the Indian princes. No wonder, the old policy of jealousy and suspicion against the Indian States was given up. Instead of keeping them separate, the British Government tried to bring them together. But this does not mean that the Indian States were given more independence of action than they enjoyed before. It is to be noted that on many occasions the British Government made declarations of their paramountcy over the Indian States.

British Paramountcy in India. Lord Canning declared in 1858 : "The Crown of England stands forth the unquestioned ruler and paramount power in all India. There is a reality in the suzerainty of England which has never existed before and which is not felt but eagerly acknowledged by the chiefs." Similar statements were made by Lord Mayo, Lord Lytton, Lord Lansdowne, Lord Minto and Lord Reading. In 1909, Lord Minto said : "Our policy is with rare exceptions one of non-interference in the internal affairs of native States. But in guaranteeing their internal independence and in

undertaking their protection against external aggression, it naturally follows that the Imperial Council had assumed a certain degree of responsibility for the general soundness of their administration and would not consent to incur the reproach of being indirect instrument of misrule. There are also certain matters in which it is necessary for the Government of India to safeguard the interests of the community as a whole as well as those of the Paramount Power, such as railways, telegraphs and other Services of an imperial character. But the relationship of the Supreme Government to the States is one of suzerainty."

Lord Reading wrote thus to the Nizam of Hyderabad in March 1926 : "The Sovereignty of the British Crown is supreme in India and therefore no ruler of an Indian State can justifiably claim to negotiate with the British Government on an equal footing. Its supremacy is not based only on treaties and engagements but exists independently of them and quite apart from its prerogative in matters relating to foreign power and policies. It is the right and duty of the British Government, while scrupulously respecting all treaties and engagements with the Indian States, to preserve peace and good order. I remind your Exalted Highness that the ruler of Hyderabad along with other rulers received in 1868 a Sanad declaratory of the British Government's desire for perpetuation of His House and Government subject to the continued loyalty to the Crown ; and no succession to the Masand of Hyderabad is valid unless it is recognised by His Majesty King Emperor ; and that the British Government is the only arbitrator in a disputed succession...... The varying degrees of internal sovereignty which the rulers enjoy are all subject to the due exercise by the Paramountcy of this responsibility."

The Gazette Notification No. 1700-E, dated August 21, 1891 described the position of the Indian States in these words : "The principles of international law have no bearing upon the relations between the Government of India as representing the Queen Empress on the one hand and the native States under the sovereignty of Her Majesty on the other. The Paramount Supremacy of the former presupposes and implies the subordination of the other." A resolution of the Government in 1920 ran thus : "When in the opinion of the Governor-General, the question arises of depriving a ruler of an important State temporarily or permanently of any of the rights, dignities, powers or privileges to which he, as a ruler, is entitled, or debarring a successor, heir apparent or any other member of the family of such a ruler, who according to law and custom of his State is entitled to succeed, the Governor-General will appoint a Commission of enquiry to investigate the facts of the case and offer advice unless such ruler desires that a Commission shall not be appointed. In case the ruler did not agree to the appointment of a Commission, his fate was doomed."

Regarding the nature of the relationship between the Paramount Power and the Indian States, the Butler Committee stated that that was "a living. growing relationship shaped by circumstances and policy, which is the mixture of history, theory and modern fact."

An official announcement of 1877 stated that "Paramountcy is a thing of gradual growth......shaped partly by conquest, partly by treaty and partly by usage......"

The Government of India emphasized their supremacy on many other occasions. In 1876, Queen Victoria assumed the title of Kaiser-i-Hind after the death of the last Mughal Emperor, Bahadur Shah II. On this occasion, Lord Lytton held a Durbar at Delhi and the rulers of all the Indian States were made to attend this Durbar. It is stated that the rulers of the big States protested against the lowering of their status and dignity but they were made to swear a perpetual allegiance to the British Crown and forego their claim to be treated according to the treaties and engagements entered into by them with the Company.

It is to be noted that the British Government emphasized the subordinate position of the Indian States, although the latter were guaranteed their perpetual existence. During this period, the Governor-General-in-Council through the Political Department of the Government of India, exercised complete control over the Indian States. As a matter of fact, the Indian princes had absolutely no independence of action. They were under the control of the Residents. The resident watched the British interests in the State and offered friendly advice to the prince. He acted as the channel of communication between the State and the Paramount Power. As a matter of fact, he was the real ruler and master of the prince. According to Panikkar, "All those who have direct experience of Indian States know that the whisper of the Residency is the thunder of the State and there is no matter on which the resident does not feel qualified to give his advice." His advice was usually an order or a command.

The British Government claimed the right to control the use and grant of all titles, honours, salutes and matters of precedent. The ruler could not accept foreign title without the consent of the British Government. He could not confer any titles. The number of salutes to which a prince was entitled was fixed by the British Government.

The Paramount Power asserted and exercised the right of deposing princes or forcing them to abdicate in certain circumstances as in the case of Baroda and Manipur. It is desirable to say a few words about these two cases.

In the case of Baroda, on the death of his brother in 1870, Mulhar Rao Gaikwar succeeded to the throne of Baroda. The administration of the State deteriorated. In 1874, the Government of India appointed a Commission of Enquiry to investigate into the matter and suggest reforms. The ruler protested. The reply of the Government of India was given in these words :

"This intervention although amply justified by the language of treaties, rests also on other foundations. Your Highness has justly observed that 'the British Government is undoubtedly the Paramount Power in India, and the existence and prosperity of the Native States depends upon its fostering favour and benign protection.' This is

especially true of the Baroda State, both because of its geographical position intermixed with British territory, and also because a subsidiary force of British troops is maintained for the defence of the State, the protection of the person of its ruler, and the enforcement of his legitimate authority.

"My friend, I cannot consent to employ British troops to protect any one in a course of wrong-doing. Misrule on the part of a government which is upheld by the British power is misrule in the responsibility for which the British Government becomes in measure involved. It becomes therefore not only the right but the positive duty of the British Government to see that the administration of a State in such a condition is reformed, and that gross abuses are removed.

"It has never been the wish of the British Government to interfere in the details of the Baroda administration, nor is it my desire to do so now. The immediate responsibility for the Government of the State rests, and must continue to rest, upon the Gaikwar for the time being. He has been acknowledged as the sovereign of Baroda, and he is responsible for exercising his sovereign powers with proper regard to his duties and obligations alike to the British Government and to his subjects. If these obligations be not fulfilled, if gross misgovernment be permitted, if substantial justice be not done to the subjects of the Baroda State, if life and property be not protected, or if the general welfare of the country and people be persistently neglected, the British Government will assuredly intervene in the manner which in its judgement may be best calculated to remove these evils and to secure good Government. Such timely intervention, indeed, to prevent misgovernment culminating in the ruin of the State is no less an act of friendship to the Gaikwar himself than a duty to his subjects."

The Commission came to the conclusion that there were many abuses in the administration of the country. The Government of India gave a warning to the ruler to introduce certain reforms within 18 months, failing which he would be removed from his throne. At this time, the Viceroy got the information that the ruler had tried to poison the Resident. He was tried by a Commission, but there was no unanimous decision. In spite of this, the Government of India deposed him. Another young member of the Gaikwar family was put on the throne.

In the case of Manipur (1891), the Raja of Manipur was driven out of his State by a rebellion whose leader was his brother called Senapati. The Yuvraj was absent from the States, but soon returned and took charge of the Government. The Government of India was not willing to restore the Raja of Manipur as he appeared to be unfit for ruling.

While the Government of India recognised the succession of the Yuvraj, it wanted to remove the Senapati from the State. For that purpose, the Chief Commissioner of Assam went to Manipur, but was captured and beheaded. This could not be tolerated by the Government of India. Armies were rushed into the State. The

Yuvraj and the Senapati were arrested, tried for murder and rebellion and executed. The Government of India declared in 1891 that "every succession must be recognised by the British Government and no succession is valid until recognition has been given." The following principles were laid down in the Manipur case :—

(1) The Government of India have the undoubted right to settle the succession and intervene in the case of rebellion against the chief.

(2) Principles of international law would not apply to the Indian States.

(3) Resistance to the Imperial orders constitutes rebellion.

(4) The Paramount Power has the right to inflict punishments on those who put to death its agents while discharging their lawful duties imposed on them.

The rulers were required to pay succession duties which could be exempted by the British Government only on special grounds. The subjects of the Indian States had to apply to the Government of India for passports to go out of India. On account of double allegiance, it was provided that in the case of a conflict, the allegiance to Crown was to prevail.

The Government of India had complete control over the issue of all licences for arms and ammunitions. The case of Patiala shows the helplessness of the States. In 1926, the Government of Patiala requested the Government of India to allow the issue of 25 pistols. The reply was that the State authorities should explain as to why they wanted 25 pistols more when they already had 48.

The appointments of the Diwans, the chief ministers and other important officers of the State had to be approved of by the Political Department of the Government of India.

The British Government exercised the right of establishing a regency whenever the prince was a minor or the ruler of a State was temporarily suspended or permanently separated from the State.

The British Government asserted the right of wardship over minor princes including the right to control their education. Lord Curzon insisted that it was the duty of the British Government to satisfy itself "that the young chief has received the education and training that will qualify him to rule before he is invested with powers to govern the State."

Important legislation in the State required the previous sanction of the Government of India. At the time of a regency, the Paramount Power got many rights and concessions. It was during this period that new precedents were established. States were deprived of the right of having their own coins. Such a thing was done in the case of Baroda, Mysore, Travancore, Alwar, Jaipur, etc. But this was resented by the Indian princes.

The Paramount Power had also the right to entertain petitions from the subjects of the Indian States against the State administration. Usually, the Paramount Power interfered only when the things reached a critical stage.

The rulers were not allowed to deal directly with any foreign State or with the subjects of any foreign State. They could not receive consular agents in their territories. They could not employ Europeans without the consent of the British Government. All forcing interests of the State were secured through the Government of India.

Minto's Udaipur Speech (November 1909). Reference may be made to the following speech of Lord Minto in which he outlined the history of the policy of the British Government towards Indian States : "It is sometimes asked by Ruling Chiefs, as well as by the public in India and in Europe, what our policy towards Native States is. I can only tell you that the basis of the policy was laid down in Queen Victoria's Proclamation of 1858 and repeated in the Coronation message of His Majesty. the King Emperor. In 1858 Queen Victoria addressed the Princes of India as follows : 'We hereby announce to the Native Princes of India that all treaties and engagements made with them by, or under, the authority of the Hon'ble East India Company are by us accepted and will be scrupulously observed, and we look for the like observance on their part. We desire no extension of our present territorial possessions, and while we will admit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others...and 44 years later the King-Emperor wrote : 'To all my feudatories and subjects throughout India I renew the assurance of my regard for their liberties, of respect for their dignities and rights, of interest in their advancement, and of devotion to their welfare, which are the supreme aim and object of my rule, and which, under the blessing of Almighty God, will lead to the increasing prosperity of my Indian Empire and the greater happiness of its people.'

"In pursuance of these pledges our policy is with rare exceptions one of non-interference in the internal affairs of Native States. But in guaranteeing their internal independence and in undertaking their protection against external aggression it naturally follows that the imperial Government has assumed a certain degree of responsibility for the general soundness of their administration and could not consent to incur the reproach of being an indirect instrument of misrule. There are also certain matters in which it is necessary for the Government of India to safeguard the interests of the community as a whole, as well as those of the paramount power, such as railways, telegraphs and other services of an imperial character. But the relationship of the Supreme Government to the States is one of suzerainty. Your Highness will, I know, recognize the difficulty that must exist in adhering to a uniform policy owing to the varying conditions of different States. It is this diversity of conditions which renders too dangerous any attempt at complete subservience to uniformity. I have therefore made it a rule to avoid as far as possible the issue of general instructions and have endeavoured to deal with questions as they arose with reference to existing treaties, the merits of each case, local conditions, antecedent circumstances and the particular stage of development, feudal and constitutional, of undivided principalities......

"The foundation-stone of the whole system is the recognition of identity of interests between the Imperial Government and the Durbars and the minimum interference with the latter in their own affairs. I have always been opposed to anything like pressure on Durbars with a view to introducing British methods of administration. I have preferred that reforms should emanate from Durbars themselves and grow up in harmony with the traditions of the State. It is easy to overestimate the value of administrative efficiency. It is not the only object to aim at, though the encouragement of it must be attractive to keen and able Political Officers and it is not unnatural that the temptation to further it should, for example, appeal strongly to those who are temporarily in charge of the administration of the State during a minority. Whether they are in sole charge or associated with a State Council, their position is a difficult one. It is one of peculiar trust, and though abuses and corruption must, of course, as far as possible be corrected, I cannot but think that Political Officers will do wisely to accept the general system of administration to which the Chief and his people have been accustomed. The methods sanctioned by tradition in States are usually well adapted to the needs and relations of the ruler and his people. The loyalty of the latter to the former is generally a personal loyalty which administrative efficiency, if carried out on lines unsuited to local conditions, would lessen or impair.

"I can assure Political Officers I am speaking in no spirit of criticism. No one has a greater admiration of their services than I have. My aim and object will be, as it has always been, to assist them, but I would impress upon them that they are not only the mouth-piece of Government and the custodians of Imperial policy, but that I look to them also to interpret the sentiments and aspirations of the Durbars. It is upon the tactful fulfilment of their dual functions that the Supreme Government and the Chiefs must mutually rely. It is upon the harmonious co-operation of Indian Princes and Political Officers that so much depends on co-operation which must increase in value as communications develop and new ideas gain ground."

Minto's speech was well received by the press in India, as the following extract shows : "The speech which the Viceroy delivered on Wednesday evening at Udaipur, spoken to his Rajput host and a dinner table audience, was evidently, in fact, addressed to that whole two-fifths of the Indian Empire which is represented by the aggregate of the Native States......Perhaps no utterance of the kind of so much significance has been heard since Lord Curzon's speech at Gwalior in November 1899. As that well-remembered manifesto was the indication of a policy, so too was Lord Minto's speech at Udaipur."

From the time of the taking over of the Government of India by the Crown, efforts had been made to win over the Indian princes and associate them with the Government in the country. In 1861, the Maharaja of Patiala was nominated a member of the Indian Legislative Council. Lord Lytton proposed to establish an Indian Privy Council consisting of the big Indian princes to help the Govern-

ment. Lord Curzon proposed the formation of a "Council of ruling princes." Lord Minto proposed to establish an Imperial Advisory Council. Lord Hardinge summoned a conference of the princes to consider the question of higher education in the States. The Montagu-Chelmsford Report proposed the creation of a permanent "Council of Princes."

Chamber of Princes. Soon after the passing of the Government of India Act, 1919, an announcement was made by the British Government for the establishment of the Chamber of Princes. This Chamber was inaugurated in 1921. It consisted of 120 members in all. Out of these, 12 members represented 127 States. The remaining 108 were members in their own right. About 327 States were given no representation at all. Some important Indian rulers did not join it. Ordinarily, the Chamber of Princes met once a year and was presided over by the Viceroy. It elected its own Chancellor who presided over the meeting in the absence of the Viceroy. The Chancellor was the President of the Standing Committee of the Chamber of Princes. The Standing Committee met twice or thrice a year at Delhi to discuss the important questions facing the Indian States. Every year the Standing Committee submitted its report to the Chamber of Princes. The princes also had informal conferences among themselves when they went to Delhi to attend the session.

The Chamber of Princes was a deliberative, consultative, and advisory body. Its importance has been stated by the Simon Commission Report in these words : "The establishment of the Chamber of Princes marks an important stage in the development of relations between the Crown and the States, for it involves a definite breach in an earlier policy, according to which it was rather the aim of the Crown to discourage joint action and joint consultation between the Indian States and to treat each State as an isolated unit apart from its neighbours. That principle, indeed, has already been giving place to the idea of conference and co-operation amongst the ruling princes of India, but this latter conception was not embodied in permanent shape until the Chamber of Princes was established. The Chamber has enabled thorough interchange of views to take place on weighty matters concerning relationship of the State with the Crown and concerning other points of contact with British India."

Butler Committee. In 1927 was appointed the Butler Committee to inquire into the relationship between the Government of India and the Indian States and to make the necessary recommendations for their satisfactory adjustment. The following were the recommendations of the Butler Committee :—

(1) Viceroy and not the Governor-General-in-Council should be the agent of the Crown in dealing with the States.

(2) The relations between the Crown and the Princes should not be transferred without the agreement of the princes to a new Government in British India responsible to the legislature.

(3) The scheme regarding the creation of a State Council should be rejected.

(4) Intervention in the administration of a State should be left to the decision of the Viceroy.

(5) Special Committees should be appointed to enquire into disputes that may arise between the States and British India.

(6) A Committee should be appointed to enquire into the financial relations between the Indian States and British India.

(7) There should be separate recruitment and training of political officers drawn from the Universities of England.

The recommendations of the Butler Committee were criticized by the Indians from all walks of life. According to Chintamani, "The Butler Committee was bad in its origin, bad in the time chosen for its appointment, bad in its terms of reference, bad in its personnel and bad in its line of inquiry, while its report is bad in reasoning and bad in its conclusions." According to Sir M. Visvesvarayya, "In the Butler Committee Report, there is no hint of a future for the Indian States' people. Their proposals are unsympathetic, unhistorical, hardly constitutional or legal....There is no modern conception in their outlook. Certainly nothing to inspire trust or hope."

The authors of the Butler Committee Report enunciated the *theory of direct relationship* between the Indian States and the British Crown. It was contended that the relationship of the Indian States was not with the Government of India but with the British Crown. This theory was put forward with a view to setting up a "Chinese Wall" between British India and Indian States. As a matter of fact, the theory of direct relationship was being gradually evolved from 1917 when the famous August Declaration was made to give India responsible Government by stages. Its first sign was to be seen in the transfer of the relationship of Indian States from the provinces to the Central Government. In an inspired letter, the Maharaja of Indore wrote that "His Highness's treaty relations are with the British Government maintained in India by His Excellency the Viceroy as a representative of His Majesty, the King Emperor." With "autonomous Government, British India can but occupy with regard to Indore the position of a sister State like Gwalior or Hyderabad each absolutely independent of the other and having His Majesty's Government as the connecting link between the two." The theory of direct relationship was also advocated by Dr. A. B. Keith and Sir Leslie Scott. According to Dr. Keith, "It is important to note that the relations of the Indian States, however conducted, are essentially relations with the Crown and not with the Indian Government and that this fact presents an essential complication as regards the establishment of responsible Government in India. It is clear that it is not possible for the Crown to transfer its rights under a treaty without the assent of the Native States to the Government of India under responsible Government."

Sir Leslie Scott was an eminent lawyer and he was engaged by the Standing Committee of the Chamber of Princes to represent them before the Butler Committee. In an article contributed to the *Law Quarterly Review*, Sir Leslie laid down five propositions, some of

which might be accepted as true, others palpably false and advanced to perpetuate British stranglehold on India and to keep the States out of a united constitution for ever. Two of these were that the contracts or treaties between the princes and the Crown were between two sovereigns and not between the Company and the Government of British India, and that the princes in making those contracts or treaties gave their confidence to the British Crown and the Crown could not assign the contracts or treaties to any concerned party. The British Government, as paramount power, had undertaken the defence of all States and to remain in India with whatever military and naval forces might be requisite to enable it to discharge that obligation. The British Government could not hand over those forces to any other Government, to a foreign power such as France or Japan, or even to British India. The Indian princes were very much pleased with the theory which was intended to help them to exclude themselves from the control of the Government of India when it came into the hands of the Indians.

All-India Federation under the Government of India Act, 1935. On the occasion of the first Round Table Conference held in 1930 in London, the Indian princes accepted the proposal for the creation of an All-India Federation in which both the Indian provinces and the Indian States were to be combined. The Government of India Act, 1935, provided for such a Federation. Under this Act, the Indian States were given more representation in the Federal Legislature than was due to them on account of their population and area. While 250 seats were allotted to British India, the Indian States got 125 seats. In the Council of State, States were given the right to send 104 members out of a total of 260 members. While the representatives from the provinces were to be elected, those from the States were to be nominated by the rulers of the States concerned. While the inclusion of the provinces into the Federation was automatic or compulsory, the Indian States were given the option to join the Federation or not. While the control of the Federal Government over the provinces was to be uniform, it was to vary in the case of the Indian States according to the terms of the Instrument of Accession signed by the particular ruler at the time of joining the Federation and accepted by the Crown. The Federal scheme as provided for in the Act of 1935 was rejected both by the Muslim League and the Congress. The British Government also did not do much to enforce the Federal scheme. Moreover, the outbreak of the Second World War in 1939 shelved the whole scheme. Nothing was done throughout the war to deal with the question of the Indian States. However, assurances were given from time to time to the Indian princes that no agreement would be made with the Congress against their wishes. They would not be forced to join any Indian scheme of Government against their wishes. On May 12, 1946 the members of the Cabinet Mission declared that the British Government could not and would not in any circumstances transfer paramountcy to an Indian Government. However, it was made clear that when new self-governing Government or Governments came into being in British India, it would not be possible for the British Government to carry out the obligations of paramountcy. In that case, all the

rights surrendered by the States to the Paramount Power were to return to the Indian States. "Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments or British India, or failing this, entering into particular political arrangements with it or them."

Reorganisation of States. The Cabinet Mission scheme did not deal with the details of the problem of the States. The representation of the States in the Constituent Assembly, the stage at which their representatives were to participate in its work, the position of the States in the future Union and other questions were left to be settled by negotiation in the future between the Princes on one side and the Constituent Assembly and the major political parties in India on the other. The Committee set up by the Constituent Assembly to negotiate with the States and the negotiating Committee of the Princes were able to arrive at an arrangement on the method of choosing the representatives of States, the allocation of seats to the different States and other matters relating to their participation in the Constituent Assembly. In accordance with the decision, the representatives of the various States took their seats in the Constituent Assembly.

The Indian Independence Act, 1947 provided that "the suzerainty of His Majesty over the Indian States lapses, and with it all treaties and agreements in force on that date." As a result of this provision the Indian States became completely independent and the Government of India and Pakistan did not inherit the rights or authority of the former Government of India. The Act did not attempt a solution of the problem of the States and left the same to be tackled by the new Dominions. However, the authors of the Act did not contemplate that the Indian States would become independent States as such and thereby disrupt the unity of India. Sir Hartley Shawcross, Attorney-General of England, observed thus in Parliament: "We do not propose to recognize the States as separate international entities on August 15." Mr. Attlee, Prime Minister of England, also observed thus, "A feature running through our relations is that they (the States) have received no international recognition of independence of India as a whole. With the ending of these treaties and agreements, the States regain their independence. But they are *part of geographical India* and their Rulers and people are imbued with a patriotism no less great than that of their fellow-Indians in British India. It would be, I think, unfortunate if owing to the severance of their paramountcy relations with the Crown they were to become islands cut off from the rest of India. The termination of their existing relationship need have no such consequences. In fact, already a number of States have declared their willingness to enter into relationship with the new Dominions and some have been represented in the Constituent Assembly of India. It is the hope of His Majesty's Government that all the States will, in due course, find their appropriate place with one or the other dominion within the British Commonwealth."

Before we discuss the manner in which the problem of the States was tackled by the Congress after the June 3 Plan, it is desirable to refer to the policy of the Congress before 1947. At the Haripura session of the Congress in 1938, the following resolution was passed: "The Congress stands for the same political, social and economic freedom in the States as in the rest of India and considers the States as integral parts of India which cannot be separated. The *Purna Swaraj* or Complete Independence, which is the objective of the Congress, is for the whole of India inclusive of the States, for the integrity and the unity of India must be maintained in freedom as it has been maintained in subjection. The only kind of Federation that can be acceptable to the Congress is one in which the States participate as free units, enjoying the same measure of democratic freedom as the rest of India. The Congress, therefore, stands for full responsible Government and the guarantee of civil liberty in the States and deplores the present backward conditions and utter lack of freedom and suppression of civil liberties in many of these States."

The result of the new policy was the fusion of the freedom movement in the States and Provinces.

On 15th June 1947, the All-India Congress Committee laid down its policy towards the Indian States. The Princes who had not already joined the Constituent Assembly were invited to do the same and "co-operate in the building of the constitutional structure of free India in which the States will be equal and autonomous sharers with other units of the Federation." The Congress also urged the States to hasten progress towards responsible Government "so as to keep in line with the fast changing situation in India and at the same time to produce contentment and self-reliance in their people." The Congress rejected the claim of the Princes to become independent. It claimed for the people of States the dominant voice in decisions concerning them. The Congress Resolution stated thus: "The A. I. C. C. cannot admit the right of any State in India to declare its independence and to live in isolation from the rest of India. That would be a denial of the course of Indian history and of the objectives of the Indian people today.

"The A. I. C. C. trusts that the rulers of the States will appreciate fully the situation as it exists today and will in full co-operation with their people enter as democratic units in the Indian Union, thereby serving the cause of their own people as well as of India as a whole.

"The Committee does not agree with the theory of paramountcy as enunciated and interpreted by the British Government, but even if that is accepted the consequences that follow from the lapse of that paramountcy are limited in extent. The privileges and obligations as well as the subsisting rights as between the States and the Government of India cannot be adversely affected by the lapse of paramountcy. The rights and obligations have to be considered separately and renewed or changed by mutual agreement. The relationship between the Government of India and the States would not be exhausted by the lapse of paramountcy. The lapse does not lead

to the independence of the States. Both from the point of view of the spirit underlying the Memorandum of May 12, and the Statement of 16th May 1946, as well as the acknowledged rights of the people all over the world today, it is clear that the people of the States must have a dominating voice in any decision regarding them. Sovereignty, it is admitted, resides with the people and if paramountcy lapses resulting in the ending of the relationship of the States to the Crown, the inherent rights of the poeple are not affected thereby for the worse."

On that occasion, Pt. Nehru pointed out that the claim of the States to independence could not be sustained as independence did not depend on a mere declaration by a State but rested fundamentally on recognition by the States. The lapse of paramountcy of the British Crown did not make the Indian States independent. To quote him, "There is a certain inherent paramountcy in the Government of India, which cannot lapse—inherent paramountcy in the dominant State in India which must remain because of the very reasons of geography, history, defence, etc., which gave rise to it when the British became the dominant power in India." Pt. Nehru pointed out that there were only two alternatives before the States. Either they were to join the Indian Union and become equal and autonomous partners in it or accept the paramountcy of the Indian Union as they could not live in a void. There was no third way out of the situation—third way meaning independence or special relation to a foreign power." Pt. Nehru made it clear that the Indian Union did not desire any paramountcy or suzerainty but it was not prepared to allow the Indian States to have their agreements with any foreign Power. "We cannot permit anything to happen in India in any State which affects fundamentally the security of India either in relation to defence arrangements or in relation to contact with foreign Powers." Pt. Nehru concluded with the following warning : *I should like to say and other countries to know that we shall not recognise the independence of any State in India, further that any recognition of any such independence by any Foreign Power will be considered an unfriendly act.*"

Accession of States.

The Congress was able to tackle the problem of the Indian States successfully and the credit goes to Sardar Patel, Lord Mountbatten and Mr. V. P. Menon. On the suggestion of Sardar Patel, the States Ministry was set up and he himself became its head. An Instrument of Accession was drawn up which was acceptable to the Princes. They were required to hand over to the Indian Union only the subjects of defence, foreign relations and communications. In other matters, their autonomy was to be scrupulously respected. Sardar Patel made it clear to the Princes that it was not the desire of the Congress "to interfere in any manner in the domestic affairs of the States." He also appealed to the patriotism of the Indian Princes thus : "We are at a momentous stage in the history of India. By common endeavour we can raise the country to a new greatness while lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation

by the Government of India on 1st January 1950. Kutch with an area of 17,249 sq. miles and a population of 5 lakhs was made a Chief Commissioner's Province in May 1948. The State of Bilaspur in the Punjab was taken over by the Government of India on 12th October 1948. The State of Bhopal was taken over by the Government of India on 1st June 1949. The State of Tripura was taken over by the Government of India on 15th October 1949.

(3) Another form of integration of States was the *formation of the State-Unions.* These unions were created "with due regard to geographical, linguistic, social and cultural affinities" of the people living in the States. Their rulers came to be known as Rajpramukhs.

On 15th February 1948, the United States of Kathiawar (Saurashtra) was inaugurated. This Union had 222 States, estates and talukas. Its area was 21,451 sq. miles and its population was 41 lakhs. The important States of the Union were Nawanagar and Bhavanagar. According to the terms of the covenant, the States agreed to unite and integrate their territories into one State with a common executive, legislature and judiciary. There was to be a Council of Rulers with a Presidium of five members. The Rulers were to elect the President and Vice-President of the Presidium. The President was to be the Rajpramukh of the Union. All the executive power was put in the hands of the Rajpramukh but he was to be aided and advised by a Council of Ministers. In other words, he was to act as a constitutional head. The covenant fixed the privy purses of the Rulers and guaranteed their private property, personal privileges and rights of succession.

On 18th March 1948 was created the United State of Matsya consisting of Alwar, Bharatpur, etc. The Union of Vindhya Pradesh was created on 4th April 1948. The United State of Gwalior, Indore and Malwa or Madhya Bharat was inaugurated on 28th May 1948. It had an area of 46,710 sq. miles and a population of 80 lakhs. The Patiala and East Punjab States Union (Pepsu) consisting of 7 big States such as Patiala, Nabha, Kapurthala, etc., was inaugurated on 20th August 1948. It had an area of 10,999 sq. miles and a population of 35 lakhs. The United States of Rajasthan was created in three stages. The first United State of Rajasthan consisting of Mewar and nine of the smaller Rajputana States was inaugurated on 18th April 1948. The State was reconstituted to include Jaipur, Jodhpur, Jaisalmer and Bikaner. On 15th May 1949. the United State of Matsya was incorporated into Rajasthan. The United State of Travancore-Cochin came into being on 1st July 1949. Its total area was 9,155 sq. miles and its population was 93 lakhs.

It was in this way that the work of integration was completed to the happiness and joy of the people of this country.

Under the Indian Princes, the States had autocratic government. The people had absolutely no voice in the administration of the States. The Princes did whatever they pleased. There was practically no distinction between the public revenues and the private revenues of the ruling Princes.

However, such a State of things could not exist after the independence of India and the integration of the States. The people of the States were demanding a share in the administration and the Government of India had full sympathy with them. No wonder, when the Indian States were merged into the provinces, the people of those States were put on the same footing as the people of the provinces concerned. When the Government of India created Centrally administered areas the people of those States were also associated with the administration. When the unions of the States were created, full-fledged responsible government was established in them. It is true that the people living within the Centrally administered areas do not have full control over their administration, but the people of other Indian States were given responsible governments. Legislatures were set up in the States and the Ministers were made responsible to them. The Rajpramukhs were made constitutional heads of the States.

The States Reorganisation Commission.

For a long time there was demand for the reorganisation of the provinces of India on linguistic lines. It was contended that the existing provinces were not created by the British Government on any scientific principle. These were set up from time to time on grounds of expediency. In 1948, the Linguistic Provinces Committee known as the Dar Committee was set up to go into the matter. The Committee reported against the proposition. Its view was that nationalism and sub-nationalism are too emotional experiences which grow at the expense of each other. A Committee consisting of Jawaharlal Nehru, Sardar Patel, and Dr. Pattabhi Sitaramayya was set up to examine the findings of the Dar Committee. As a result of the death of Sriramulu, the situation in Andhra became very tense and the Government of India appointed Justice Wanchoo to report on the matter. It was under these circumstances that the first linguistic State was set up in Andhra. This gave an impetus to the supporters of the idea of linguistic States and ultimately Prime Minister Nehru made a statement in Parliament on 22nd December 1953 to the effect that a Commission would be appointed to examine "objectively and dispassionately" the question of the reorganisation of the States of the Indian Union "so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted." The Commission was appointed under a resolution of the Government of India in the Ministry of Home Affairs. Mr. Fazl Ali was appointed the Chairman of the Commission and its two other members were Pandit Hirdayanath Kunzru and Sardar K. M. Panikkar.

Para 7 of the resolution mentioned above runs thus: "The Commission will investigate the conditions of the problem, the historical background, the existing situation and the bearing of all important and relevant factors thereon. They will be free to consider any proposal relating to such reorganisation. The Government expect that the Commission would, in the first instance, not go into the details, but make recommendations in regard to the broad principles which should govern the solution of this problem....The language and

culture of an area have an undoubted importance as they represent a pattern of living which is common in that area. In considering a reorganisation of States, however, there are other important factors which have also to be borne in mind. The first essential consideration is the preservation and strengthening of the unity and security of India. Financial, economic and administrative considerations are almost equally important, not only from the point of view of each State, but for the whole nation. India is embarked upon a great ordered plan for her economic, cultural and moral progress. Changes which interfere with the successful prosecution of such a national plan would be harmful to the national interest."

The Commission submitted its report to the Government of India on 30th September 1955 and it was released to the public on 10th October 1955. According to the recommendations of the Commission, the Indian Union was to consist of 16 States as against the existing 27 and three Centrally administered territories. The States that were to disappear were those of Travancore-Cochine, Mysore, Coorg, Saurashtra, Cutch, Madhya Bharat, Bhopal, Vindhya Pradesh, P.E.P.S.U., Himachal Pradesh, Ajmer and Tripura. In certain cases, the whole of the State and in certain others only a part was to be merged in a neighbouring State or States. P.E.P.S.U. and Himachal Pradesh were to form part of the Punjab. Delhi, Manipur and Andamans and Nicobars were to form Centrally administered territories. All the Part 'C' States were to be abolished. The distinction between Part 'A' and Part 'B' States was to be removed.

The Commission recommended the abolition of the institution of Rajpramukhs. Special safeguards were recommended for linguistic minorities. The minorities were given the right to have instruction in their mother-tongues at the primary school stage. In the interest of national unity and good administration, the Commission recommended the reconstitution of certain all-India services, *viz.*, the Indian Medical and Health Services. With the same object in view, the Commission recommended that as a general rule, 50% of the new entrants in the all-India services should be from outside the State concerned and regular transfers to and from the Centre and the States should be arranged. At least one-third of the number of judges in a High Court should consist of persons recruited from outside the State, so that the administration might inspire confidence and help in arresting parochial trends. The Commission put emphasis on the need for encouraging the study of Indian languages other than Hindi. It also recommended that for some time to come, English should continue to occupy an important place in universities and institutions of high learning, even after the adoption of Hindi and regional languages for official and educational purposes.

According to the Commission, the linguistic complexion and the communicational needs of the Punjab did not justify the creation of a Punjabi-speaking State. The creation of such a State was likely to disrupt the economic life of the area. There was no case for a Punjabi-speaking State because it lacked the general support of the people inhabiting the area, and because it was not to eliminate any of the causes of friction from which the demand for a separate

Punjabi-speaking State had arisen. The Punjabi Suba was to solve neither the language nor the communal problem. On the other hand, it might further exacerbate the existing feelings. Pepsu and Himachal Pradesh were too small to continue by themselves. Having regard to the economic and administrative links between Pepsu and the Himachal Pradesh on the one hand and the present Punjab State on the other, the merger of these two States in the Punjab was justified.

During its inquiry, the Commission received 152,250 memoranda, petitions and communications, travelled 38,000 miles and interviewed over 9,000 persons in an effort to get a complete cross-section of public opinion. The report of the Commission comprises 267 printed pages, including two minutes of dissent by the Chairman, Mr. Fazl Ali and Sardar K. M. Panikkar. The first opposed the merger of Himachal Pradesh in the new Punjab and the second objected to the retention of U.P. in an undivided form.

There was a lot of agitation against the recommendations of the Commission. The interested parties tried to create a sort of chaos in the country. The Maharashtrians raised a lot of hue and cry over the city of Bombay. The Congress High Command declared that it was willing to make alterations in the recommendations of the Commision if all the interested parties agreed upon any alternative. Prolonged negotiations were held and many changes were made in the recommendations of the Commission but the problem of Bombay City gave headache to all. Even when the States Reorganisation Bill was sent to Parliament, the Maharashtrians were absolutely dissatisfied. However, when the Bill was being discussed in Lok Sabha, better sense prevailed and it was decided to create the bi-lingual State of Bombay containing all the territories of Maharashtra and Saurashtra with Bombay as capital. The Bill was passed by both the Lok Sabha and the Rajya Sabha and received the assent of the President on 31st August 1956.

After the establishment of the composite State of Bombay by the States Reorganisation Act, 1956, there was a lot of agitation for the separation of Maharashtra from Gujarat. For a long time, the Government of India resisted the demand but the Marathas seemed to be very keen on having the same. There were riots on a large scale and ultimately the Government of India passed the Bombay Reorganisation Act, 1960. It received the assent of the President on 25th April 1960.

The Act provides that from the appointed day, there shall be formed the States of Gujarat and Maharashtra in place of the former State of Bombay. The capital of Maharashtra will be Bombay but that of Gujarat will be some other place. Provision has been made for a separate High Court for Gujarat while Maharashtra is to have the former Bombay High Court.

Separate representation has been given to the States of Maharashtra and Gujarat in the Rajya Sabha and Lok Sabha. Gujarat is to send 11 and Maharashtra 19 members to Rajya Sabha. As regards Lok Sabha, Gujarat is to send 22 and Maharashtra 44. The Gujarat

Legislative Assembly is to consist of 132 members and that of Maharashtra 264 members. There is to be no Legislative Council for Gujarat but the Legislative Council of Maharashtra is to consist of 78 members.

Provision has been made for the division of assets of the former State of Bombay between the two new States. The judges of the former State of Bombay have also been divided between the two States.

In July 1960, the Government of India decided to set up a new State of Nagaland with Kohima as its capital. This was done to satisfy the discontented elements in that region. An Act was passed in 1962 to implement that decision.

Suggested Readings.

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HAPTER XXXIII

PAKISTAN SINCE 1947

The Dominion of Pakistan came into existence on 14th August 1947, when Lord Mountbatten went to Karachi for that purpose. The Quaid-i-Azam (Great Leader) M. A. Jinnah was appointed the first Governor-General of Pakistan. In pursuance of the provisions of the Indian Independence Act, 1947, the Constituent Assembly, which had been set up under the Cabinet Mission Scheme, was divided into two parts. The members representing the Pakistan areas were formed into a separate Constituent Assembly for the Dominion of Pakistan. The Government of India Act, 1935, was changed in order to serve as a Constitution for Pakistan.

The Constituent Assembly of Pakistan could not make much headway in the direction of Constitution-making for about two years on account of many difficulties. However, in March 1949, an Objectives Resolution was passed by the Constituent Assembly. It was stated therein that the sovereignty belonged to God but it was to be exercised in Pakistan by the people of Pakistan according to the dictates of the Quran and Sunnah. Pakistan was to be a federation. The principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam were to be fully observed. The State was to exercise its power and authority through the chosen representatives of the people. The rights and legitimate interests of the minorities were to be protected. They were to be free to profess and practise their religion and develop their culture. All the citizens of Pakistan were to be guaranteed equal fundamental rights to be incorporated in the Constitution. The legitimate interests of backward and depressed classes were to be safeguarded and the judiciary was to be independent.

After the passing of the Objectives Resolution, the Constituent Assembly set up a Committee to frame an outline of the main principles of the new Constitution. That Committee was known as the Basic Principles Committee. The latter set up four sub-committees such as Fundamental Rights Sub-Committee, Judiciary Sub-Committee, etc. On 21st November 1950, the interim report of the Basic Principles Committee was submitted to the Constituent Assembly. It was recommended in the Report that the Head of the State should be elected by a joint session of both the Houses of the Central legislature. He was not necessarily to be a Muslim. The names of the two Houses of the Central Legislature were to be the House of Units and the House of the People. The Cabinet was to be responsible to the legislature. The Head of the State was to be given the power of suspending the whole or a part of the Constitution. The interim report was severely criticized by the leaders and people of East Pakistan. Their main grievance was

that the majority of East Pakistan was permanently transformed into a minority.

Report of the Basic Principles Committee

On December 22, 1952, the report of the Basic Principles Committee was presented to the Constituent Assembly by Khwaja Nazim-ud-Din, who had succeeded Liaquat Ali Khan as Prime Minister. The Report recommended the establishment of a bicameral legislature at the Centre and the two Houses were to be known as the House of Units and the House of the People. Boards of Ulemas were to be set up and their duty was to see that the laws passed by the Federal and Provincial legislatures were in conformity with the principles of Islam as enunciated in the Quran and Sunnah. The Cabinet was to be responsible only to the House of the People.

The report of the Basic Principles Committee was criticized from all quarters. The anti-Ahmediya agitation could not be tackled by the ministry in power. The food crisis threatened the country. Taking advantage of all these factors, Mr. Ghulam Mohamed, the then Governor-General of Pakistan, dismissed Khwaja Nazim-ud-Din and his Cabinet. The Khwaja was succeeded by Mohammad Ali of Bogra.

Mohammad Ali of Bogra

The new Prime Minister was able to solve the problem of distribution of seats between East Pakistan and West Pakistan. East Pakistan was given 183 seats in both the Houses of the proposed Federal Legislature and all the provinces of West Pakistan were given 183 seats in the Federal Legislature. Although East Bengal was given only 10 seats in the House of Units, parity was maintained in both the Houses taken together. Both Houses of Parliament were to have equal powers and a deadlock was to be resolved by a joint sitting. The necessary majority in the joint session had to include 30% of the members of each wing.

Work of Constituent Assembly

Elections were held in Pakistan and the Muslim League lost in East Pakistan. The result was that the representative character of the Constituent Assembly became doubtful. No wonder, suggestions were made for the dissolution of the Constituent Assembly or replacement of the members from East Pakistan. There were also differences among the members of the Muslim League over important provisions of the proposed Constitution. In order to avoid intervention by the Governor-General, Mr. A. K. Brohi introduced in the Constituent Assembly on August 3, 1954, a Bill which came to be enacted as the Constitution Amendment Act of 1954. The object of that Bill was to declare the absolute sovereignty of the Constituent Assembly for purposes of Constitution-making. All courts of Pakistan, including the Federal Court, were rendered incompetent to question, directly or indirectly, or declare invalid any provisions affecting the Constitution framed by the Constituent Assembly. Many laws were passed by the Constituent Assembly with a view to

curtail the powers of the Governor-General and thereby render him ineffective against the Constituent Assembly.

After curtailing the powers of the Governor-General, the Constituent Assembly adopted the amended Basic Principles Committee Report by 29 to 11 votes. The Prime Minister of Pakistan declared that discussions on the draft Constitution would be finished by December 25, 1954 and the new Constitution would be adopted on Quaid-i-Azam's birthday. He also declared that Pakistan would become a Republic on January 1, 1955. After those declarations, the Constituent Assembly was adjourned to October 27, 1954. The report of the Basic Principles Committee was sent to the Drafting Committee of Constitutional Experts on October 16, 1954. The draft Constitution was sent for printing so that it would be in the hands of the members of the Constituent Assembly on October 27, 1954.

Dissolution of Constituent Assembly

However, on October 24, 1954, the Constituent Assembly was dissolved by the Governor-General by means of a proclamation. The proclamation stated that the Constituent Assembly had lost confidence of the people and hence there was the necessity of fresh elections. Mr. Mohammad Ali of Bogra formed a new Cabinet on the invitation of the Governor-General and men like Iskander Mirza, H. S. Suhrawardy and Dr. Khan Saheb were included in the Cabinet. Maulvi Tamiz-ud-Din Khan, President of the dissolved Constituent Assembly, challenged the legality of the proclamation of the Governor-General in the Chief Court of Sind. A full Bench of the Chief Court of Sind decided the case in favour of Maulvi Tamiz-ud-Din Khan. Against the decision of the Chief Court, the Government went in appeal to the Federal Court of Pakistan and the latter reversed the decision of the Chief Court.

Second Constituent Assembly

To begin with, the Governor-General decided to call a Constitutional Convention to frame a Constitution for Pakistan. However, on the advice of the Federal Court of Pakistan, the idea of calling a Constitutional Convention was given up and orders were passed on 28th May 1955, for electing members of the Second Constituent Assembly of Pakistan. The new Constituent Assembly was to consist of 80 members who were to be equally divided between the two wings of Pakistan. On the occasion of new elections, the Muslim League did not fair well. It was able to capture only 25 seats in the new Constituent Assembly. Sixteen seats were won by the United Front, 13 by the Awami League, 11 by the minority communities and 7 members of the Constituent Assembly were independents. There was a tussle between the Muslim League on the one hand and the rest of the parties on the other. There was a coalition Government of the Muslim League and the United Front at the Centre. All the Provinces of West Pakistan were merged into one Unit.

The first session of the Second Constituent Assembly was held in July 1955 at Murree. However, no work was done on account of various difficulties facing the Constituent Assembly. The second ession was held in August 1955. On January 8, 1956, the Constitu-

tion Bill was published by the Government. Mr. I. I. Chundrigar, the Law Minister at that time, was responsible for its safe passage through the Constituent Assembly. The Constitution was adopted on February 29, 1956. It was decided to enforce the new Constitution on March 23, 1956, the Pakistan Day and the Constitution actually came into force on that date.

Constitution of Pakistan (1956)

(1) The Constitution of Pakistan of 1956 had a Preamble. It was declared therein that the people of Pakistan had decided to constitute the people of Pakistan into a sovereign peoples' State based on Islamic principles of social justice. The aims of the new State were described to secure for all citizens the freedom, equality, tolerance and social justice as enunciated by Islam. It was also declared that sovereignty belongs to the Almighty Allah. The authority of the people was a sacred trust from Allah to be exercised within the limits prescribed by Him. Legislative and executive action was liable to be impugned for repugnancy to the fundamental rights which formed a part of the new Constitution. Provision was made in the Constitution for Directive Principles of State Policy. Those provisions were declared to be binding on all organs of government and all persons holding public office. However, those could not be enforced by any court.

(2) The Governor-General was replaced by an elected President. Special restrictions were placed on the legislative and executive powers of the Federation of Pakistan and the provinces constituting the Federation. The two units of the Federation of Pakistan were put on a footing of equality. Provision was made for further accessions to the territory of Pakistan but not for secession. A provision was made for three legislative lists defining the powers of the Federal Government and the provinces. The residuary powers were given to the provinces. All legislatures were to be unicameral. It was left to Parliament to decide whether there was to be any communal representation or not and ultimately it was decided in the negative.

(3) Provision was made for the Supreme Court of Pakistan and High Courts of the provinces. Courts were given the powers of issuing prerogative writs. Courts were made the guardians and interpreters of Constitution. They were given the power to declare void all Acts which violated any provision of the Constitution. Although a federal form of government was set up in Pakistan, actually Pakistan came to have a unitary State. Too many powers were given to the President to be exercised at the time of emergency.

(4) The parliamentary form of government was set up in the country. The President of Pakistan was required to act on the advice of his ministers. Provision was made for one citizenship of Pakistan. There was no scope for a separate citizenship of a unit of Pakistan. Provision was made for a single integrated judiciary, uniform civil and criminal law and common all-Pakistan ervices.

(5) The Constitution guaranteed certain fundamental rights and those were the right to equality, protection against retrospective offences or punishment, safeguards against arrest and detention, freedom of speech, freedom of assembly, freedom of association, freedom of movement, right to hold and dispose of property, freedom of trade or business, protection of cultural and educational rights, protection of rights against exploitation and the right to constitutional remedies. If there was any conflict between a fundamental right and any law of Pakistan, that law was to be void to the extent of its repugnancy. No law could take away any fundamental right or abridge the same.

(6) Provision was made for a National Economic Council and a Finance Commission. Both the Federal Government and the provinces were given representation on both of these bodies. The National Economic Council was required to formulate an economic policy for Pakistan, and the Finance Commission was required to decide how the proceeds of distributable taxes were to be divided between the Centre and the Provinces.

It is to be observed that the Constitution of 1956 did not work satisfactorily. There were all sorts of complaints from all quarters. The result was that on 7th October 1958, the Constitution of 1956 was abrogated by the President. The Central and Provincial Governments were dismissed with immediate effect. The National Parliament and Provincial Assemblies were dissolved. All political parties were abolished. Pakistan was put under Martial Law and General Mohammad Ayub Khan, Commander-in-Chief of Pakistan, was appointed the Chief Martial Law Administrator. Within three weeks, President Iskander Mirza was ousted and General Ayub Khan himself became President.

On February 17, 1960, a Commission was appointed by President Ayub Khan to examine the progressive failure of parliamentary government in Pakistan leading to the abrogation of the Constitution of 1956, and to make recommendations for the future Constitution of Pakistan. The Commission submitted its report on April 29, 1961. A new Constitution for Pakistan was drafted and the same came into force on June 8, 1962.

Constitution of Pakistan (1962)

(1) The new Constitution of Pakistan has a *Preamble*. It is stated that sovereignty over the entire universe belongs to Almighty Allah and the authority exercised by the people is a sacred trust. The territories included in Pakistan form a federation in which the Provinces enjoy as much autonomy as is consistent with the unity and interests of Pakistan as a whole. It is the will of the people of Pakistan that the State should exercise its power and authority through representatives chosen by the people. The principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam should be fully observed in Pakistan. The Muslims of Pakistan should be enabled, individually and collectively, to live their lives in accordance with the teachings and requirements of Islam. The legitimate interests of the persons in Pakistan

should be adequately safeguarded. The fundamental human rights should be preserved, but those must be consistent with the security of the State, public interest and requirements of morality. The independence of judiciary should be safeguarded.

(2) The State of Pakistan is a Republic. It consists of two provinces of East Pakistan and West Pakistan and such other States and territories as may be included in Pakistan whether by accession or otherwise. Pakistan has a federal form of government. The powers given to the Federal Government are given in the Third Schedule to the Constitution. A perusal of those topics shows that the Constitution has made the Federal Government very strong. However, an attempt has been made to reconcile the regional demands of East Pakistan which resents the domination of West Pakistan. The Constitution provides for the establishment of the seat of the National Assembly at Decca as against the headquarters of the Government of Pakistan at Islamabad in West Pakistan. Dacca has also been made the second capital of Pakistan. Both Bengali and Urdu have been made the national languages of Pakistan in order to give satisfaction to the people of East Pakistan. Both East and West Pakistan have been given equal representation in the National Assembly. Article 16 specifically provides that "parity between the provinces in all spheres of the Central Government should as nearly as practicable be achieved."

(3) The Constitution provides for what are known as the *principles of law-making*. It is the responsibility of each legislature to ensure that no law is made by it if it disregards, violates or is otherwise not in accordance with these principles. The responsibility for deciding whether a proposed law does or does not disregard or violate or is not otherwise in accordance with the principles of law-making, is that of the legislature concerned. However, the National Assembly, the Provincial Assembly, the President or the Governor of a province may refer to the Advisory Council of Islamic Ideology for advice any question that might arise whether a proposed law disregarded or violated or was otherwise not in accordance with the principles. The validity of a law is not to be called in question on the ground that the law disregards, violates or is otherwise not in accordance with the principles of law-making.

The *principles of law-making* include that no law shall be repugnant to Islam. All citizens should be equal before the law, be entitled to equal protection of the law and be treated alike in all respects. No law should impose any restriction on the freedom of a citizen to give expression to his thoughts. No law should impose any restriction on the freedom of citizens to assemble peacefully and without arms or to form associations or unions. No law should impose any restriction on the freedom of a citizen to move throughout Pakistan or to reside or settle in any part of Pakistan. Likewise, no restriction should be imposed on the freedom of a citizen to acquire, hold or dispose of property in any part of Pakistan. However, this principle can be departed from where it is necessary to do so in the public interest. No law should impose any restriction on the freedom of a citizen to engage

in any profession, trade, business, occupation or employment or otherwise to follow the vocation of his choice. No law could prevent the members of a religious community or denomination from professing, practising or propagating or from providing instruction in their religion or from conducting the institutions for the purpose, or in connection with their religion. No law should require any person to receive religious instruction or attend a religious ceremony or religious worship, relating to a religion other than his own. No law should impose on any person a tax the proceeds of which are to be applied for purposes of a religion other than his own. No law should discriminate between religious institutions in the granting of exemptions or concessions in relation to any tax. No law should authorise the expenditure of public money for the benefit of particular religious community or denomination, except money raised for that purpose. A law authorising the arrest or detention of a person should ensure that the person arrested or detained under the law is informed of the grounds of his arrest or detention at the time when he is arrested or detained or as soon thereafter as is practicable. He should also be taken before the nearest magistrate within a period of 24 hours after he is arrested or detained. He should be at liberty to consult and be represented and defended by a legal practitioner of his own choice. No law should authorise the punishment of a person for an act or omission that was not punishable by law at the time the act was done or the omission was made. No law should authorise the punishment of a person for an offence by a penalty greater than or of a kind different from the penalty prescribed by law for that offence at the time the offence was committed. No law should authorise compulsory acquisition or the compulsory taking possession of property except for a public purpose. A law that authorises compulsory acquisition or compulsory taking possession of property should provide for the payment of compensation for property, and fix the amount of compensation or specify the principles on which and the manner in which the compensation is to be determined. No law should permit forced labour in any form. No law should deny to any person access to a public place on the ground of religion, caste or place of birth. No person should prevent any section of the community from having a distinct language, script, or culture of its own. No person should permit or in any way facilitate the introduction into Pakistan of slavery in any form. No law should permit or in any way facilitate the introduction into Pakistan of the practice of untouchability in any form.

(4) The Constitution provides for what are known as the *Principles of Policy*. It is the responsibility of each organ and authority of the State and each person performing the functions on behalf of an organ or authority of the State to act in accordance with those principles in so far as they relate to the functions of the organ or the authority. Validity of action or law shall not be called in question on the ground that it is not in accordance with the Principles of Policy and no action shall lie against the State, any organ or authority of the State, or any person on that ground. The Principles of Policy are that the Muslims of Pakistan should be

enabled, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and should be provided with facilities whereby they may be able to understand the meaning of life in accordance with those principles and concepts. The teachings of the Holy Quran and Islamiat to the Muslims of Pakistan should be compulsory. Unity and observance of Islamic moral standard should be promoted amongst the Muslims of Pakistan. The proper organisation of Zakat, Wakfs and mosques should be ensured. Parochial, racial, tribal, sectarian and provincial prejudices amongst the citizens should be discouraged. The legitimate rights and interests of the minorities should be safeguarded. The members of minorities should be given due opportunity to enter the services of Pakistan. Special care should be taken to promote educational and economic interests of people of backward classes or in backward areas. Steps should be taken to bring on terms of equality with other persons the members of under-privileged castes, races, tribes and groups. Illiteracy should be eliminated and free and compulsory primary education should be provided for all. Just and humane conditions of work should be provided. Children and women should not be employed on vocations unsuited to their age and sex. Maternity benefits should be provided to women in employment. The well-being of people should be secured by raising the standard of living of the common man, by preventing the undue concentration of wealth and means of production and distribution in the hands of a few. All citizens should have an opportunity to a work and earn an adequate livelihood and enjoy reasonable rest and leisure. All persons should be provided with compulsory social insurance. The basic necessities of life such as food, clothes, housing, education and medical treatment should be provided for citizens who are unable to earn their livelihood on account of infirmity, disability, sickness or unemployment. Administrative offices and other services should be provided in places where they would best meet the convenience and requirements of the public. No citizen should be denied, entry into the service of Pakistan on the ground of race, religion caste, sex or place of residence or birth. Parity between the provinces in all spheres of the Central Government should be achieved as nearly as practicable. Persons from all parts of Pakistan should be enabled to service in the Defence Services of Pakistan.

(5) The Constitution provides for a unicameral Central Legislature known as the National Assembly of Pakistan. It has 156 members, half of which are elected from East Pakistan and the other half from West Pakistan. Three seats from each province are reserved exclusively for women. Unless it is sooner dissolved, the National Assembly can continue for a term of 5 years.

(6) The President of Pakistan is to be elected by an Electoral College of Pakistan consisting of 80,000 electoral units. Provision has been made for the removal of the President on the ground of incapacity. This can be done by the National Assembly The matter is required to be referred to a Medical Board for final disposal. Provision has been made for the impeachment of the President before the National Assembly. However, it is provided that if

less than one half of the total number of members of the National Assembly vote in favour of the Resolution, the members who gave notice of the Resolution shall cease to be members of the Assembly forthwith after the declaration of the result of the voting. The executive authority of the Republic of Pakistan is vested in the President. To assist in the performance of his functions, the President can appoint a Council of Ministers. Those persons are to be taken from the members of the National Assembly. Provision is made for the appointment of Attorney-General for Pakistan by the President. The President has power to grant pardons, reprieves and respites. He could remit, suspend or commute any sentence passed by any Court, Tribunal or other authority. Certain legislative powers have been given to the President. Those can be exercised by him in an emergency or at a time when the National Assembly is not in session.

(7) There is a mandatory provision in the Constitution for the establishment of an Advisory Council of Islamic ideology. The function of the Council is to make recommendations to the Central Government and Provincial Government regarding the means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concept of Islam. Provision has also been made for the establishment of an Islamic Research Institute. Its function is to undertake Islamic research and instruction in Islam for the purpose of assisting in the reconstruction of Islamic society on a truly Islamic basis.

(8) The Constitution provides that the national languages of Pakistan are Bengali and Urdu. However, English language can be used for official and other purposes until arrangements for its replacement are made. The President is required to set up a Commission in 1972 to examine and report on the question of the replacement of the English language for official purposes.

(9) The Constitution provides for the establishment of a Supreme Court of Pakistan. The number of the Judges of the Supreme Court is to be determined by the President. The Supreme Court is given original, appellate and advisory jurisdiction. It has also the power of review. There is a provision for a High Court in each Province of Pakistan.

(10) Provision has been made for the establishment of Supreme Judicial Council for Pakistan consisting of the Chief Justice of the Supreme Court, two next senior-most Judges of the Supreme Court and the Chief Justice of each High Court. The Council is required to issue a Code of Conduct to be observed by the Judges of the Supreme Court and High Courts. The Council can also be asked to enquire whether a particular Judge of the Supreme Court or a High Court is fit or not to perform his duties. The President is required to act upon the report of the Council.

(11) Provision has been made for the establishment of the *National Finance Commission.* Its duty is to make recommendations to the President with respect to the distribution between the Central Government and the Provincial Governments of the proceeds

of certain taxes. Provision has also been made for the establishment of the *National Economic Council* whose duty is to review the overall economic position of Pakistan, formulate plans with respect to financial, commercial and economic policies and economic development of Pakistan and inform the Central and the Provincial Governments of those plans.

(12) Each Province of Pakistan has a Governor who is appointed by the President and who is subject to the directions of the President in the performance of his duties. The Governor can appoint a Council of Ministers from the members of the Provincial Assembly. Each Province of Pakistan has a legislature of one House known as the Assembly of the Province. The Assembly of each Province consists of 155 members. Five seats in each Province are reserved for women but they are entitled to contest other seats also.

The critics of the Constitution point out that the establishment of unicameral legislatures at the Centre and in the Provinces may not be in the best interests of the country. The principles of law-making should have been made justiciable. The courts should have been given the authority to enforce them in case of their violation. The system of indirect elections may not be conducive to the development of democratic institutions in the country. The provision in the Constitution that the Defence Minister of Pakistan should be a person who had held high office in the Defence Services of Pakistan, is not desirable, as that is likely to make the military very strong in the Cabinet. He is likely to dominate in its deliberations. Islamic character of the Republic may give encouragement to the ultra-religious and fanatical sections of the people of Pakistan. They may side-track the energy of the people and thereby stand in the way of the social and economic development of the country. It is true that there are certain shortcomings in the Constitution but the people of Pakistan can hope to get more in the future.

Quaid-i-Azam

After having discussed the constitutional development of Pakistan from 1947 onwards, it is desirable to refer to the important events during this period. At the time of transfer of power on 14th August 1947, Quaid-i-Azam M. A. Jinnah was appointed the Governor-General of Pakistan and he occupied that office till his death in September 1948. He was universally respected and, no wonder, he directed practically every department of Government. His was the final word on every matter. He did not occupy the position of a constitutional head and all real power was not exercised by Liaquat Ali Khan as Prime Minister. However, it was immaterial whether a thing was done by the Quaid-i-Azam or the Prime Minister, as both worked in harmony and co-operation.

Khwaja Nazim-ud-Din

On the death of Quaid-i-Azam, the office of the Governor-General was offered to Khwaja Nazim-ud-Din on 14th September 1948, and he occupied the same up to 17th October 1951. The Khwaja

succeeded to the office of the Governor-General but not to the authority wielded by the Quaid-i-Azam. The centre of gravity shifted to Prime Minister Liaquat Ali Khan. The practice of the Governor-General to preside over the Cabinet meetings almost stopped. The occasions on which the Khwaja presided were few and that also when Liaquat Ali Khan was away from the country.

When Liaquat Ali Khan was assassinated on October 16, 1951, Khwaja Nazim-ud-Din was asked to assume the responsibilities of Prime Ministership and he did so while he was still the Governor-General. As Prime Minister, Khwaja Nazim-ud-Din recommended the appointment of Ghulam Mohammed as Governor-General of Pakistan. There were no differences between the Prime Minister and the Governor-General on matters of domestic or foreign policy. The public statements and speeches of Ghulam Mohammed did not give even the faintest hint of a rift between him and Khwaja Nazim-ud-Din. In spite of this, the Khwaja was dismissed from his office on 17th April 1953. The critics of Nazim-ud-Din point out that he was not a leader as is required of a Prime Minister. He presided over the Cabinet meetings more like an Umpire than a chief determined to have his way on questions of policy on which his mind was already made up. Whenever there was disagreement amongst his colleagues, instead of giving his own verdict, he merely appointed a Sub-Committee. There was a tendency towards excessive departmentalism due to the lack of leadership by the Prime Minister. During his regime started the anti-Qadiani agitation. Its suppression was impossible without resort to strong measures which Nazim-ud-Din hesitated to take. "The policy of indecision, hesitancy and vacillation which the Central Government pursued for several years had its repercussions on the situation in the Province. Of course, law and order was a Provincial subject, but in situations like these where the whole population is seized with religious frenzy, something more than a motion of legal and administrative mechanism is necessary, and this something did not exist in the Punjab and was not thought of in Karachi."

The hold of Khwaja Nazim-ud-Din on the Muslim League was very loose. His support to Daultana's ministry in the Punjab was lukewarm. His attitude towards Mr. Khuhro was uncompromising. His open advocacy of Urdu as the State language of Pakistan gave a handle to his opponents from East Pakistan to discredit his administration. Nazim-ud-Din was not a man of crisis. He was found incapable of tackling the problems confronting the country and no wonder he was removed from his office.

Mohammad Ali Bogra

The Khwaja was succeeded by Mohammad Ali of Bogra as Prime Minister, and he continued to occupy that office from 17th April 1953 to 11th August 1955. It is pointed out that between the dismissal of Khwaja Nazim-ud-Din and the swearing-in ceremony of the new ministry, there was a gap of only 4½ hours. Governor-General Ghulam Mohammad not only nominated the Prim Minister but also named all the ministers who were to serve on the

new cabinet, and distributed the portfolios among them. Eight of them were members of the old cabinet, and two of the three new ministers were at that moment not present in Karachi. There was not any contact between them and the Prime Minister-designate before their names were included in the list.

The most pressing problem before the new ministry was that of food. The black-marketing in foodgrains was doing havoc. Smuggling had assumed such alarming proportions that in 1953-54 the value of smuggled goods was estimated by the government at about Rs. 30 crores. Corruption was rampant in every department. The food crisis was met with help from the American Government. Domestic production was also encouraged. The government also controlled prices. The policy of neutrality followed by his predecessors was given up. Pakistan entered into the Western alliances. It was in July 1955 that Pakistan rupee was devalued. It was during the regime of Mohammad Ali of Bogra that when elections were held in Pakistan, the Muslim League was defeated in East Pakistan. There was a demand for the dissolution of the Constituent Assembly. In August 1954, an Act was passed which declared the absolute sovereignty of the Constituent Assembly for purposes of constitution-making. However, on October 24, 1954, the Constituent Assembly was dissolved by the Governor General. Things settled down after some confusion. A new Constituent Assembly was elected and it started its work in July 1955.

Chaudhri Mohammad Ali

Mohammad Ali of Bogra was succeeded by Chaudhri Mohammad Ali as Prime Minister, and the latter continued in office from 11th August 1955 to 13th September 1956. It was during his regime that a Constitution for Pakistan was adopted on February 29, 1956, and the same came into force on March 23, 1956. Chaudhri Mohammad Ali tried to extend the scope of defensive alliances to non-Communist aggression. He successfully insisted on the inclusion of the Kashmir question in the agenda of the S.E A.T.O. and Baghdad Pact Councils. He was able to secure from S.E.A.T.O. Powers a declaration that the sovereignty of Pakistan extended up to the Durand Line, the international boundary between Pakistan and Afghanistan.

It is pointed out that Chaudhri Mohammad Ali was not a politician, and he did not attach much importance to public opinion. He was skilful in the art of negotiations at the conference table but he found himself a complete stranger on the public platform. Addressing a public meeting was an act of necessity and not a desire to establish direct contact with the people. The party politics of Pakistan made his position weak, and he was succeeded by Mr. H. S. Suhrawardy.

H. S. Suhrawardy

Mr. H. S. Suhrawardy was Prime Minister of Pakistan from 12th September 1956 to 18th October 1957. He possessed a dynamic personality. As the leader of the opposition, he had established his

reputation as a leader of national stature and a great parliamentarian. His speeches in the legislature were remarkable for forensic brilliance the like of which had not been heard before. His selection as Prime Minister was a tribute to his qualities of leadership and administrative experience. He was acceptable to the people of both the provinces although his party was poorly organised in West Pakistan.

The tenure of office of Mr. Suhrawardy is known for the remarkable work done for the rehabilitation of refugees in Pakistan. Mr. Suhrawardy warned the services to desist from interfering in politics. He was responsible for the wholesale transfer of Secretaries and Joint Secretaries from their entrenched positions in their ministries. The view of Mr. Suhrawardy was that Pakistan's membership of military alliances was a condition of her survival and neutrality was the surest invitation to aggression. He was a champion of the West and gave unqualified backing to Western policies in Hungary and the Middle East, particularly the Suez. As a matter of fact, he went out of the way to support the cause of the West even at the cost of his personal popularity Mr. Suhrawardy had to make many compromises and in spite of that his position became weak and he was succeeded by Chundrigar as Prime Minister.

I. I. Chundrigar

Mr. I. I. Chundrigar was Prime Minister of Pakistan from 18th October 1957 to 16th December 1957. The new Prime Minister was more a lawyer than a politician. Before becoming Prime Minister, he had been an ambassador to Afghanistan and had also worked as Governor of the North-West Frontier Province and the Punjab. He was so much absorbed with legalities that he could not understand the realities of politics. He had neither the dash nor the determination of Mr. Suhrawardy. In every way, he was a weak Prime Minister and no wonder he had to leave within less than two months.

Malik Firoz Khan Noon

Mr. Chundrigar was succeeded by Malik Firoz Khan Noon and he was Prime Minister from 16th December 1957 to 7th October 1958. The prestige of the office of Prime Minister touched the lowest ebb during the tenure of Mr. Noon. The majority behind the Government was largely of the Republicans and the Awamis and the Awamis were able to hold the Government to ransom on every major policy or decision that was against their interest or those of their leaders. Mr. Noon removed Mr. Fazlul Haq from the Governorship of East Pakistan after the latter had dismissed the Ata-ur-Rehman Ministry. The Central Government gave help to the Provincial Governments. Mr. Noon tried to strengthen his position by increasing the strength of his Cabinet to 26 in a House of 80 members. No wonder the President of the Muslim League described the Republican Party as an employment exchange for finding jobs for the members of Parliament. Mr. Noon was the first Prime Minister who justified the existence of landlordism as a stabilising force in society. To quote him, "There has been a great deal of talk about such reforms.

Most of the advocates of land reforms were city dwellers who had no knowledge of agriculture and not many of them knew what they were talking about."

Dismissal of Mr. Noon

There was a lot of dissatisfaction in the country. President Iskander Mirza took advantage of it and issued on October 7, 1958, a proclamation by which he abrogated the Constitution of 1956. The Central and Provincial Governments were dismissed. The National Parliament and Provincial Assemblies were dissolved. All political parties were abolished. Until alternative arrangements were made, Pakistan was to be under Martial Law. General Mohammad Ayub Khan, the Commander-in-Chief of Pakistan, was appointed the Chief Martial Law Administrator.

October Proclamation

In the course of his Proclamation, President Iskander Mirza observed thus : "For the last two years, I have been watching, with the deepest anxiety, the ruthless struggle for power, corruption, the shameful exploitation of our simple, honest, patriotic and industrious masses, the lack of decorum and the prostitution of Islam for political ends. There have been a few honourable exceptions. But, being in a minority, they have not been able to assert their influence in the affairs of the country.

"These despicable activities have led to a dictatorship of the lowest order. Adventurers and exploiters have flourished to the detriment of the masses and are getting richer by their nefarious practices.

"Despite my repeated endeavours, no serious attempt has been made to tackle the food crisis. Food has been a problem of life and death for us in a country which should be really surplus. Agriculture and land administration have been made a hand-maiden of politics, so that, in our present system of Government, no political party will be able to take any positive action to increase production.

"In East Pakistan, on the other hand, there is a well organised smuggling of food, medicines and other necessities of life. The masses there suffer due to the shortages so caused in, and the consequent high prices of these commodities. Import of food has been a constant and serious drain on our foreign exchange earnings in the last few years, with the result that the Government is constrained to curtail the much needed internal development projects.

"Some of our politicians have lately been talking of bloody revolution. Another type of adventurers among them think it fit to go to foreign countries and attempt direct alignment with them which can only be described as high treason.

"The disgraceful scene enacted recently in the East Pakistan Assembly is known to all. I am told that such episodes were common occurrences in pre-partition Bengal. Whether they were or not, it is certainly not a civilized mode of procedure. You do not raise the prestige of your country by beating the Speaker, killing the Deputy Speaker and desecrating the National Flag.

"The mentality of the political parties has sunk so low that I am unable any longer to believe that elections will improve the present chaotic internal situation and enable us to form a strong and stable Government capable of dealing with the innumerable and complex problems facing us today. We cannot get men from the moon. The same group of people who have brought Pakistan on the verge of ruination will rig the elections for their own ends. They will come back more revengeful, because, I am sure, that the elections will be contested, mainly on personal, regional and sectarian basis. When they return, they will use the same methods which have made a tragic farce of democracy and are the main causes of the present widespread frustration in the country.

"However much the Administration may try, I am convinced, judging by shifting loyalties and the ceaseless and unscrupulous scramble for office, that elections will neither be free nor fair. They will not solve our difficulties. On the contrary, they are likely to create greater unhappiness and disappointments leading, ultimately, to a really bloody revolution. Recently, we had the elections for the Karachi Municipal Corporation. Twenty-nine per cent of the electorate exercised their votes, and out of these about 50 per cent were bogus votes.

"We hear threats and cries of civil disobedience in order to retain private volunteer organizations and to break up One Unit. These disruptive tendencies are a good indication of their patriotism and the length up to which politicians and adventurers are prepared to go to achieve their parochial aims.

"Our foreign policy is subjected to unintelligent and irresponsible criticism, nor for patriotic motives, but from selfish viewpoints, often by the very people who were responsible for it. We desire to have friendly relations with all nations, but political adventurers try their best to create bad blood and misunderstanding between us and countries like U.S.S.R., the U.A.R. and the Peoples Republic of China. Against India, of course, they scream for war, knowing full well that they will be nowhere near the firing line.

"In no country in the world, do political parties treat foreign policy in the manner it is done in Pakistan. To dispel the confusion so caused, I categorically reiterate that we shall continue to follow a policy which our interests and geography demand and that we shall honour all our international commitments, which, as is well known, we have undertaken to safeguard the security of Pakistan and, as a peace-loving nation to play our part in averting the danger of war from this troubled world.

"For the last three years, I have been doing my utmost to work the Constitution in a democratic way. I have laboured to bring about coalition after coalition, hoping that it would stabilize the Administration and that the affairs of the country would be run in the interests of the masses. My detractors, in their dishonest ways, have, on every opportunity, called these attempts as Palace intrigues. It has become fashionable to put all the blame on the President. A wit said the other day : 'If it rains too much

it is the fault of the President and if it does not rain it is the fault of the President.' If only I alone was concerned, I would go on taking these fulminations with the contempt they deserve. But the intention of these traitors and unpatriotic elements is to destroy the prestige of Pakistan and the Government by attacking the Head of the State. They have succeeded to a great extent, and, if this state of affairs is allowed to go on, they will achieve their ultimate purpose.

"My appraisal of the internal situation has lad me to believe that a vast majority of the people no longer have any confidence in the present system of Government and are getting more and more disillusioned and disappointed and are becoming dangerously resentful of the manner in which they are exploited. Their resentment and bitterness are justifiable. The leaders have not been able to render them the service they deserve and have failed to prove themselves worthy of the confidence the masses had reposed in them.

"The Constitution which was brought into being on March 23, 1956, after so many tribulations, is unworkable. It is so full of dangerous compromises that Pakistan will soon disintegrate internally if the inherent malaise is not removed. To rectify them, the country must first be taken to sanity by a peaceful revolution. Then, it is my intention to collect a number of patriotic persons to examine our problems in the political field and devise a Constitution more suitable to the genius of the Muslim people. When it is ready and at the appropriate time, it will be submitted to the referendum of the people.

"It is said that the Constitution is sacred. But more sacred than the Constitution or anything else is the country and the welfare and happiness of its people. As Head of the State, my foremost duty before my God and the people is the integrity of Pakistan. It is seriously threatened by the ruthlessness of traitors and political adventurers (whose selfishness, thirst for power and unpatriotic conduct cannot be restrained by a Government set up under the present system). Nor can I any longer remain a spectator of activities designed to destroy the country. After deep and anxious thought, I have come to the regrettable conclusion that I would be failing in my duty, if I did not take steps, which, in my opinion, are inescapable in present conditions, to save Pakistan from complete disruption."

President Ayub Khan

It has already been pointed out that within three weeks of the Proclamation, President Iskander Mirza was ousted and General Ayub Khan became himself both the President and Prime Minister of Pakistan.

The new regime acted in a ruthless manner. The severest penalties were imposed on those who dared to violate the Martial Law Regulations. It was provided that no person shall obstruct or interfere in any manner with any person who was acting in the

execution of his duties under Martial Law and if any person dared to do so, he was to be sentenced to fourteen years of rigorous imprisonment. No person was to give wilfully false evidence or was to refuse to give evidence in any investigation or trial held under the Regulations and punishment for violation was death. No person was to commit an act or was to be guilty of an omission or was to make a speech prejudicial to good order or public safety and its violation was to be punished with ten years of rigorous imprisonment. No one by word of mouth or in writing or by signals or otherwise was to spread reports calculated to create alarm or despondency amongst the public or calculated to create dissatisfaction towards the Armed Forces and Police or any member thereof and the violation of the rule was to be punished with 14 years of rigorous imprisonment.

President Ayub Khan set up a strong government in Pakistan which believed neither in favouritism nor in corruption. The result was that the undesirable elements in the country were crushed with a heavy hand. Black-marketing disappeared. The corrupt people were severely punished. Everybody was made to work or quit. There was no place for lethargy or indiscipline. The tone of the administration underwent a revolution. Inefficiency was replaced by efficiency. The economic condition of the country was improved. The prestige of the country in the international sphere rose. Pakistan began to assert herself. Even countries like the United States began to feel that they must not annoy Pakistan and must do something to win over and maintain her goodwill.

President Ayub Khan had promised to give the people of Pakistan a Constitution and he has already fulfilled his promise. It is true that the new Constitution of Pakistan is not an ideal one and there is much scope for improvement but it cannot be denied that the new Constitution gives the people of Pakistan a voice in the administration of their affairs. Things can be adjusted in course of time.

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